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Early Diplomatic Relations

Between

The United States and Mexico

THE ALBERT SHAW LECTURES ON DIPLOMATIC HISTORY

By the liberality of Albert Shaw, Ph.D., of New York City, the Johns Hopkins University has been enabled to provide an annual course of lectures on Diplomatic History. The courses are included in the regular work of the Department of History and are published under the direction of Professor John H. Latané.

THE ALBERT SHAW LECTURES ON DIPLOMATIC HISTORY, 1913

Early Diplomatic Relations

Between

The United States and Mexico

BY

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PREFACE

The diplomatic relations between the United States and Mexico before 1830 have heretofore been passed over rapidly by students in this field of history in order to dwell more fully on the events leading to the Texas Revolution, the admission of Texas into the Union, and the war between the United States and Mexico. Partial explanations have been made of the attempts of the Adams administration in 1827 and the Jackson administration in 1829 to acquire peaceably by purchase the whole or a part of Texas. Hostility to Poinsett because of his relations with Mexican officials and his connection with the organization of lodges of York Masons has been frequently mentioned, to be bitterly condemned by many, enthusiastically praised by others, and mildly excused by a few, but adequately explained by none.

Practically no attention has been paid to the difficulties and consequent delays in the establishment of a permanent representation of Mexico in Washington, or the much longer and much less excusable delays in the selection and sending of a United States minister to Mexico. While the political schemers in Washington were delaying this important appointment in order to use it as a political pawn, the English cabinet under the astute leadership of Canning with his violent antip-

athy to the "Yankee" government was making good use of its advantage to establish, by means of semi-official agents and flattering assurances, a powerful British influence over the Mexican government and to elicit the deep gratitude of the Mexican people for British promises of favor and protection which made the earlier recognition of Mexico's independence by the United States seem of trifling importance and made the declarations of Monroe's famous message appear to be of little value and to have been dictated by selfish interests. Poinsett's efforts to recover for his government the prestige which he felt had been lost by this delay led him to adopt methods which he considered necessary for the preservation of liberty and the prevention of monarchy in Mexico, but which involved him in charges of having meddled in the internal affairs of that country.

The suspicions thus engendered of the motives of Poinsett and his government made it next to impossible for him to carry to a successful conclusion any of the negotiations with which he was charged. The motive for his effort to ward off the impending Mexican attack on Cuba was suspected. His attempt to open easy trade intercourse by way of the Santa Fé Trail was distrusted. His insertion in the commercial treaty of provisions which were distasteful to Mexico but which he considered liberal or absolutely necessary was resisted until his persuasion induced the Mexican negotiators to yield; and then because of these provisions the Mexican Congress delayed ratification or

refused it. His able championship of the cause of United States merchants, investors, and travelers in their controversies with Mexican officials widened the growing breach. His schemes for getting Texas were met from the first by a flat refusal; and his government's persistently repeated renewal of them roused bitter hostility. Attempts to remove suspicions and allay fears only increased them. Political enemies of those who were friendly to Poinsett's policies fanned the smoldering embers of distrust into flames of bitter hatred for him and the government which sent and kept him there. The few years of orderly government in Mexico during which under more favorable circumstances friendly relations might have been established with the United States, thus obviating a half century of discord and a century of distrust, were passed in quibblings and misunderstandings.

In a careful study of these quibblings and misunderstandings during the years 1825 to 1829 are to be found the origin and to a considerable extent the explanation of those apparently irreconcilable differences which grew greater and greater during the next two decades, finally provoking the war which resulted not only in the United States keeping Texas but seizing more than half of the remainder of Mexican territory, thereby confirming the worst fears and suspicions that Mexico had entertained of the motives of her northern neighbor.

The sources that have been drawn upon for this study are described in the comments on authorities at

the end of the volume. By far the larger part of the information has been taken from manuscripts in the archives of the Department of State in Washington and of the Ministry of Foreign Relations in Mexico. Only a few of either have been published. And of those published most are only extracts, the cipher passages and other more important portions having been withheld because at the time when the documents were published these portions could not have been included without involving the Washington government in difficulties with Mexico or with discordant factions within the United States.

The chapter on "Texas and the Boundary Issue" has already been published in very nearly its present form in the seventeenth volume of the Southwestern Historical Quarterly; portions of the third, sixth, and tenth chapters in a modified form under the title, "Poinsett's Mission to Mexico: a Discussion of his Interference in Internal Affairs," have been published in both English and Spanish in the seventh volume of the American Journal of International Law, and its Spanish edition, La Revista Americana de Derecho Internacional; the Mississippi Valley Historical Review, volume I, has printed in a modified form the chapter on "Diplomacy Concerning the Opening of the Santa Fé Trail"; and the proceedings of the Panama-Pacific Historical Congress at San Francisco in 1915 contain a portion of the chapter on "British Influence in Mexico."

For courteous treatment and liberal assistance, I hereby acknowledge my indebtedness to Señor Las-

curain, who was minister for foreign relations in the Madero cabinet, and Señors Galindo and Camarena in charge of the archives of that office; to Ambassador Henry Lane Wilson, and Secretary O'Shaughnessy in charge of the Embassy archives; to Dr. Buck and others in the archives of the Department of State at Washington, and Mr. Stanton in the library of that department; and to Dr. Bishop and his assistants of the Library of Congress, and Dr. Hunt of the Manuscripts Division of that library. For assistance in correcting manuscript and reading proof, I am under obligations to my wife.

WILLIAM R. MANNING.

UNIVERSITY OF TEXAS, AUSTIN,
October, 1915.

CHAPTER I

Beginnings: Early Mexican Representatives at Washington

Difficulties and delays attended the opening of the permanent legation of Mexico at Washington; but they were not due to any lack of interest on the part of the new Mexican government. The importance of establishing friendly relations with the neighboring republic to the north at the earliest possible moment was fully appreciated. Within less than three weeks after the provisional government was fully organized a minister plenipotentiary had been appointed and was preparing to go to Washington.

It was on September 27, 1821, that Iturbide's army entered the city of Mexico and took possession of the quarters which had been vacated only four days earlier by the royalist troops. On September 28, the Provisional Junta was formally installed. On October 4, the cabinet of four ministers was formed. On October 25, a citizen of the United States by the name of Wilcocks wrote to John Quincy Adams, the secretary of state at Washington, concerning the friendly attitude of the new government toward the United States. He said: "On this subject I have had various conferences with the leading members of the administration, whose sentiments will be fully explained to you shortly by Don Juan Manuel de Elizalda, the minister pleni-

potentiary that is already named and now preparing to go to Washington."[1]

The portfolio of foreign affairs in this first Mexican ministry was held by José Manuel de Herrera. On November 30, he despatched the first diplomatic communication which passed from the new government to that of the United States. After announcing the triumph of the revolution and the establishment of the independent government, he said: "The Governing Regency immediately thought it a primary obligation upon them to communicate with all despatch to the nations these events, which have gloriously terminated our war of liberty. . . . The people of Mexico . . . are desirous of being united to all governments by means of friendly alliances and connections. . . . The United States of North America have a preferable right to demand of the Mexican Empire these considerations, the more just and reasonable because they are supported by the well-known maxims of policy. . . . Even nature herself has separated these nations from Europe by immense seas and placed them

[1] Wilcocks to Adams, Mexico, October 25, 1821, American State Papers, Foreign Relations, IV, 841; British and Foreign State Papers, IX, 431. For the organization of the Mexican government see Bancroft, History of Mexico, IV, 731–736. In the preceding thirty pages is an account of the proclamation of the Plan of Iguala in February, 1821; of the startling success of the independence movement under this plan through the succeeding spring and summer; and of the treaty of Cordoba of August 25 by which O'Donoju, the newly arrived viceroy, accepted the plan in his sovereign's name and agreed to turn over the government to Iturbide.

upon the same continent . . . that they might make common cause in reciprocally supplying their necessities and cooperating for their mutual felicity." In closing he announced that the legally authorized envoy would soon come to Washington to act as the medium of communication "between two nations destined to be united in the bonds of the most intimate and cordial fraternity."[2]

The prompt measures thus taken by the first govern-

[2] Herrera to Adams, Mexico, November 30, 1821, MS., Department of State, Notes from the Mexican Legation, I. This despatch was borne by Wilcocks, mentioned above. The original Spanish document, signed by Herrera, accompanies the translation from which these extracts are quoted. The despatch was received at Washington, March 13, 1822.

In view of the accepted notion to the contrary, it is interesting to notice in this document the importance which the new government attached to establishing their relations with foreign powers. Bancroft, History of Mexico, IV, 753, says: "It is inconceivable that it should have taken no effective steps to establish friendly relations with foreign powers. . . . All it did, however, was to pass a resolution for the appointment of four envoys to be sent respectively to South America, the United States, England, and Rome." He cites an act of February 7, 1822, apparently unaware of the earlier steps. Bancroft seems to be following Alaman, Historia de Mejico, V, 470, which says: "Estraño parecerá que la junta no hubiese tratado del punto mui importante de las relaciones exteriores," and gives as the only thing done the provision for the four envoys mentioned in the quotation from Bancroft. For the order of February 7, 1822, see Coleccion de Ordenes y Decretos de la Soberana Junta y Soberanos Congresos, I, 115. Ibid., II, 41, is a decree of 4 de mayo de 1822, declaring that all envoys to foreign powers should be natives of Mexico or residents of at least seven years' standing. This order was not to apply to appointments already made.

ment of independent Mexico to open diplomatic relations with the United States were in keeping with a plan that had been uniformly followed by the various short-lived insurgent governments which had attempted during the preceding eleven years to establish the independence of their country. Each of them had, as one of its first duties, despatched a minister to open relations with the United States. After five such officially appointed envoys had attempted in vain to get out of the troubled country, Herrera, now the first minister for foreign affairs of independent Mexico, had actually reached New Orleans in 1815. Before he could start from there for Washington, the government which he represented was overthrown. But a letter addressed by him to President Madison accompanied by copies of his credentials and several other very interesting documents reached the Department of State and are filed in its archives.[3] His brief resi-

[3] Herrera to President of the United States, Nueva Orleans, 1 de marzo de 1816, MS., Department of State, Notes from the Mexican Legation, I. The most important document accompanying it is a letter of the Supreme Government of Mexico to the President of the United States, dated Puruarán, 14 de julio de 1815, which gives a lengthy account of the revolutionary struggle, tells of the organization of a government and the proclamation of a constitution, and introduces Herrera as minister plenipotentiary. There are also two decrees of the same date describing the official seal and the flags of the new state, and a decree of July 3 relating to cruisers. These manuscripts are not bound in the volume but are fastened together by a clip and inserted under the front cover of the volume.

Earlier efforts of transient insurgent governments to open relations with the United States were the following: In De-

dence in the United States as a diplomatic representative of this earlier insurgent government doubtless had much to do with his being chosen to direct the foreign policy of his country, now that its independence seemed to be assured. Although Herrera intended to open relations with the United States at once, and took steps to do so, circumstances prevented. Sickness delayed the departure of Elizalda, the first appointee, and ultimately it became necessary to appoint another in his stead, he not having so much as started.[4]

cember, 1810, Letona was started by Hidalgo's embryonic government as envoy to the United States, but was captured on his way to Vera Cruz and took poison to escape the vengeance of the viceroy. In February, 1811, Aldama was started overland and got as far as Bexar in Texas where, in March, he fell a victim to the counter revolution which had ended the short-lived insurgent government of Casas. After Hidalgo's capture, Morelos sent David and Tabares as his agents to secure the aid of the United States; but Rayon, claiming superior authority over Morelos, turned them back. In 1813, Rayon sent Peredo to negotiate a treaty with the United States, but the royalists prevented his departure from the country. In October, 1814, Bustamante started as revolutionary minister to the United States, but failed to reach the coast. In July, 1815, after the insurgent government under the leadership of Morelos had proclaimed its constitution, Herrera was sent as its minister plenipotentiary, with the result mentioned above. The following Mexican agents without full diplomatic character reached the United States and attempted unsuccessfully to open diplomatic relations: Gutierrez de Lara in 1812; Toledo in 1813; and Humbert in 1814. See Bancroft, History of Mexico, IV, 234 and following, passim.

[4] Herrera to [Cortes], 18 de junio de 1822, MS., Department of State, Notes from the Mexican Legation, I.

A communication from Iturbide direct to President Monroe dated January 8, 1822, introduced a certain Captain Cortes, who was coming in a semi-diplomatic capacity, but whose chief purpose was the purchase of vessels in ports of the United States with which to begin the formation of a Mexican navy. In the absence of an official representative he was for several months the medium of communication between the governments. Iturbide politely requested President Monroe to have the goodness to assist Cortes in the discharge of his commission.[5]

Manuel Zozaya was the man chosen for the post at Washington when it was found that the first appointee could not go. This choice was made as early as March, 1822. But his departure was delayed, first by lack of funds due to the embarrassed condition of the finances of the new government, then by a congressional investigation of the instructions which he had been given.[6] Even before the assembling of this first Congress discord between it and the provisional executive, dominated by Iturbide, had appeared. As the discord increased it paralyzed all activities of the gov-

[5] Iturbide to Monroe, Mexico, 8 de enero de 1822, MS., Department of State, Notes from the Mexican Legation, I. This was enclosed with a letter of Cortes to Monroe, not dated but postmarked "Philadelphia 20 June." Through this agent, Cortes, Iturbide exchanged letters, portraits, and compliments with Henry Clay. See Cortes to Clay, Philadelphia, June 19, 1822, enclosing Iturbide to Clay, May 6, 1822, in Colton, Henry Clay, IV, 64, 65. Zavala, Ensayo Historico, I, 303–305, discusses the mission of Cortes.

[6] Zamacois, Historia de Mexico, XI, 181.

ernment. In the midst of the struggle the executive urged Congress to take the necessary steps to open diplomatic relations especially with the United States and England.[7] Finally by the *coup d'état* in May Iturbide was proclaimed emperor by the populace, and Congress was intimidated into endorsing the appointment. In July his coronation took place.

In the reorganized ministry the emperor retained Herrera as minister for foreign relations. In spite of the governmental confusion which continued throughout the year 1822, he persisted in his efforts to open relations with the United States. Finally in the latter part of September Zozaya, who had been appointed under the provisional junta early in the year, was ready to start to Washington as the representative of the empire. In Zozaya's letter of introduction dated September 24, Herrera acknowledged the receipt of a communication from the government at Washington announcing that a minister to Mexico would be appointed; said the announcement was exceedingly pleasing to him; and continued: "The Imperial Government wishing to give to its northern neighbors the most solemn proof of its anxious desire for amicable relations and cordial intercourse is sending the Excellent Señor D. Manuel Zozaya with full power and authority as its envoy extraordinary and minister plenipotentiary, who will have the honor of placing this communication in the hands of Your Excellency."[8]

[7] Secretario de Guerra to Secretario de Relaciones, 24 de abril de 1822, MS., Relaciones Exteriores.

[8] Herrera to Adams, 24 de septiembre de 1822, MS., Depart-

It was more than a month after this letter of introduction was written and the formalities of his appointment were attended to before his instructions were drawn up and signed. But the embassy started at once, leaving the instructions to follow. They were dated October 31, 1822. After being told how he should proceed to open communication with the government on his arrival in the United States, he was instructed to solicit the recognition not only of the Mexican empire, independent of all connection with Spain, but also of the imperial dynasty which it had created. He was to negotiate reciprocally advantageous treaties of amity, commerce, and limits; and in case war should be declared with Spain, he should at once procure a treaty granting to Mexico naval assistance from the United States on terms as advantageous as possible. If he could not get such aid in any other way, he was authorized to offer a money payment for it. He was to use the newspapers of the United States to correct errors that had been published concerning the events leading to the establishment of independence; and was to disseminate by the same means a knowledge of any facts hitherto not made public which would tend to establish the honor and

ment of State, Notes from the Mexican Legation, I, and La Diplomacia Mexicana, I, 75. Page 76 of the last gives the credential letter from Iturbide to Zozaya, dated 25 de septiembre de 1822. On page 79 is the announcement of Torrens as secretary of legation, dated 26 de septiembre de 1822. Other brief notes of 26, 27, and 28 de septiembre relate to expenses, escort, acceptance, and affixing the seal. The minister's full name was José Manuel Bermudez Zozaya.

credit of the empire. He was also authorized to negotiate a loan of ten million pesos.[9] His private instructions of the same date provided for the negotiation of treaties of limits, extradition of criminals, and protection of the common frontier, matters which will be discussed in subsequent chapters. He was to watch and report any movements in European countries that had anything to do with Mexican affairs or conditions. He was to report as accurately as possible the military and naval strength of the United States government.[10]

Before these instructions were sent a report reached Mexico to the effect that Zozaya had been captured by pirates in the Gulf of Mexico. To make sure that his efforts should not thus be thwarted when success seemed so near, Herrera appointed a substitute. On the same day that the instructions were sent to Zozaya, he wrote to Cortes, who was still in the United States, telling him of the report, but saying that he had doubts of its truth. However, he appointed Cortes to take the place of Zozaya in case the rumor should prove to be true; and copies of the instructions and credentials were sent to guide him if the duties of the embassy should thus devolve on him.[11] But fortunately the

[9] Herrera to Zozaya, Instrucciones, 31 de octubre de 1822, La Diplomacia Mexicana, I, 82.

[10] Herrera to Zozaya, Instrucciones Reservadas, 31 de octubre de 1822, La Diplomacia Mexicana, I, 85.

[11] Herrera to Cortes, 31 de octubre de 1822, La Diplomacia Mexicana, I, 88. Poinsett, who later was appointed United States minister to Mexico, was at this time traveling in the country and heard the same report. Santa Maria, the Colom-

report proved to be without foundation. The voyage was uneventful, if one can judge from Zozaya's simple narrative. In his report to the home government all he said about it is: "On the 27 of October we sailed from Alvarado and on the 28 of November we anchored in Hampton Roads." Two days later they landed at Baltimore. Finding it necessary for the credit of Mexico that he should at once join Cortes in Philadelphia, he set out for that city on December 3, sending his secretary, Torrens, to Washington to announce his arrival and prepare for his reception.[12]

bian minister to Mexico, wrote him 25 de noviembre de 1822, "se teme aqui que el Enviado Zozaya ha ya caido en manas de piratas." MS., Poinsett Papers, vol. II, in Pennsylsylvania Historical Society collection.

[12] Zozaya to Secretario, Filadelfia, 7 de diciembre de 1822, La Diplomacia Mexicana, I, 89. In view of the subsequent financial difficulties of the legation, it is interesting to notice what a heavy drain on its scant allowance was necessary at the very outset in order to maintain the good name of the empire. He says: "Luego que llegué aqui me dirigí sin perdida de momento, á informarme de los particulares de la comisión del señor Cortés, no exigiéndole yo y antes por el contrario habiéndole manifestado que no tenia órdenes para mezclarme en este asunto; y el juicio que he formado de sus trabajos lo expongo en oficio número 3. Contrayéndome á las urgencias de que hablan las cartas acompañadas, me penetré de ellas y de la necesidad que habia de numerario para cubrir el crédito del Imperio y salvar el respetable nombre de Augustín Primero, tan comprometido en esta vez, y no contando con otros fondos que los que traje para mi subsistencia, los apliqué al objeto de la comisión. Tan urgente me pareció la necesidad, que creí deber ocurrir á ella aunque me expusiese á hacer el papel más menesteroso en un pais estraño; y de los once mil pesos que habia puesto en el Banco de estos Estados, solo me reservé mil pesos para comer entre

On November 28 of this year 1822 Adams had written in his diary: "From Mexico we have been informed of the appointment of two successive ministers plenipotentiary, with assurances that they were coming immediately; but there is no appearance of either of them yet."[13] Eight days later, however, Adams received a letter from Zozaya dated at Baltimore on December 3 announcing his arrival in the country and saying that he would proceed to Washington in a few days. In the meantime his secretary, Torrens, would deliver this note and the accompanying one from the secretary of state of Mexico,[14] and would arrange for an interview.[15]

On December 10 Adams received another note from Zozaya written the same day on which it was received announcing that he had arrived in Washington.[16]

tanto se reciben los auxilios del Imperio y los diez mil restantes los he entregado al señor Meade para que pague á los jornaleros y que cubra en parte algunas de las principales obligaciones que tiene contraidas. Ofrecí también para el mismo objeto mi plata labrada, pero el señor Cortés no ha querido se haga uso de ella. Esto supuesto, yo y mi comitiva quedamos aquí á subsistir con mil pesos y algunas anticipaciones que he hecho á los que tienen sueldo. No traje un medio real para gastos extraordinarios y esto solo basta para que su Majestad Imperial se penetre de mi situación."

[13] Adams, Memoirs, VI, 111.

[14] Herrera to Adams, 24 de septiembre de 1822, MS., Department of State, Notes from the Mexican Legation, I, and La Diplomacia Mexicana, I, 75.

[15] Zozaya to Secretary of State, Baltimore, December 3, 1822. The signed original in Spanish accompanies the translation.

[16] Zozaya to Secretary of State, Washington, December 10,

With this was enclosed Zozaya's full power signed by Iturbide.[17] The commission of Torrens as secretary of the legation and a list of ten minor officials and domestics connected with the legation were also included. Two days later, according to previous arrangement, occurred the formal presentation of Zozaya.

It was this reception of the Mexican envoy on December 12, 1822, that completed the American recognition of Mexican independence. Nine months earlier a message of the President had recommended to Congress the recognition of Mexico and other Spanish-American countries; and two months thereafter Congress passed a resolution sustaining the administration by making appropriations to establish missions. But no minister for Mexico was yet appointed, and no specific diplomatic act had yet actually recognized the new government in Mexico. Furthermore the change in the government of Mexico which had occurred subsequent to the message and resolution above mentioned left some uncertainty whether the envoy of the emperor would be received and the government of the empire recognized.

It was this element of uncertainty which justified the note of triumph in the report which Zozaya wrote to his government on December 20 telling of his reception. He declared: "I hasten to take advantage of

1822, original and translation, MS., Department of State, Notes from the Mexican Legation, I.

[17] Iturbide to Zozaya, September 25, 1822, MS., Department of State, Notes from the Mexican Legation, I; and La Diplomacia Mexicana, I, 79.

the favorable opportunity which has just presented itself to inform Your Excellency of the fact that, in spite of the diligent efforts both public and private of some of the enemies of our country to prejudice this government against the form of our government and against its representative, on the twelfth of the present month I was presented by the secretary of state to the president of these States, by whom I was received with the same courtesy and the same ceremony with which the ministers of other powers are received; and when I had delivered to him my credentials he replied to me that I was recognized as a public minister and an envoy extraordinary and plenipotentiary the same as other foreign ministers resident in the country. . . . And on the day following my presentation and recognition it was officially announced in the ministerial paper entitled the *National Intelligencer,* of which I am sending Your Excellency a copy.

"I have been informed that the Spanish minister handed this government a note protesting against the recognition of our independence and against my reception in this capital, in case I should be admitted in the character of a plenipotentiary of Mexico." He says he had not been able to learn with certainty the reason, but it was a fact that the Spanish minister alone of all the foreign ministers was absent from Washington; and intimates his belief that the Spaniard's absence was to avoid being in Washington when the Mexican envoy should be received.[18]

[18] Nota del Ministro Zozaya, 20 de diciembre de 1822, La Diplomacia Mexicana, I, 94. Bocánegra, Memorias de Mexico

Several days following his formal reception were consumed in ceremonial calls and state dinners. On December 24 the President gave a banquet in Zozaya's honor at which there were forty invited guests. A day or two later he was entertained by the secretary of state, and then by the secretary of the treasury. The Mexican minister's presence among the representatives of powers that had not recognized his government created a situation that was uncomfortable for him, for them, and for the authorities at Washington. The absence from the President's banquet of the British minister and some others called forth speculations and attempts at explanation from Zozaya.[19] Ellisen, the Russian representative, in explaining the awkward situation to his government said Adams had suggested to him that an easy way out of the difficulty would be for him not to take advantage of the invitation which he had received to

Independiente, I, 118, tells of Zozaya's reception, saying that news of it reached Mexico in February, 1823. Alaman, Historia de Mejico, V, 815, mentions it.

It is not necessary to study here the steps leading to the recognition of Mexican independence by the United States. The attitude toward Mexico was practically the same as that toward the other Spanish-American countries. For a detailed study of the policy of the United States toward all of these new states see Paxson, Independence of the South-American Republics: a Study in Recognition and Foreign Policy, 137–177. For a brief study see McMaster, History of the People of the United States, V, 42.

[19] Nota del Ministro Zozaya, 26 de diciembre de 1822, La Diplomacia Mexicana, I, 97. In this letter he tells more in detail of his presentation and of the customs of the diplomatic corps in Washington.

be present. The French representative had received the same suggestion from Adams. Ellisen says he allowed himself to profit from a hint that so strongly resembled advice.[20]

After the few days of bustling activity and courteous formalities following his reception Zozaya passed a winter of inactivity. On April 30, 1823, he announced to Adams that he was going to return to Mexico for a time. Later he would bring his family with him to Washington.[21] Before he had left, a letter reached him from a new minister for foreign relations in Mexico telling him that the imperial government which had sent him had been overthrown. He was instructed to give to the government at Washington information of Mexico's "political regeneration which all the nation has welcomed with the

[20] Ellisen to Nesselrode, 13/25 de Décembre 1822, American Historical Review, XVIII, 542. His explanation of the prolonged absence of the Spanish minister is the same as Zozaya's. He says: "On suppose que la présence de l'agent Méxicain à Washington est un des motifs qui ont engagé le ministre de sa Majesté Catholique à prolonger son séjour à New-York."

Stratford Canning, the British minister, wrote in the following spring: "A minister from Mexico we have had at Washington during the whole of the winter. The imperial character of his government and his total ignorance of English have prevented his forming any intimate relations in society. He has behaved quietly and looks exceedingly like Sousa, the old Portuguese ambassador in London, except that he has not the advantage of green goggles." Stratford Canning to Bagot, Washington, March 30, 1823, Josceline Bagot, George Canning and His Friends, II, 163.

[21] Zozaya to Adams, Philadelphia, April 30, 1823, MS., Department of State, Notes from the Mexican Legation, I.

greatest enthusiasm." He immediately wrote to Adams enclosing this communication from the new government.[22]

Iturbide's nine months' tenure of the imperial crown had been anything but comfortable to him or satisfactory to his people. Discord with his Congress had continued until October, 1822, when that body was forcibly dissolved. In December, Santa Anna had raised the standard of revolt and declared for a republic. The emperor's supporters rapidly fell away from him. In February, 1823, the commander of his army turned it against him. In March he resigned his crown. The fragment of the Congress which he had reconvened declined to act on his resignation, declaring his coronation to have been a work of violence and void of right. He was exiled to Italy; but pensioned for his services on condition that he remain in Italy.

In response to orders from the new government Zozaya replied on May 20: "With respect to the advice which Your Excellency has given that I should refrain from beginning or continuing any negotiations until I should receive instructions from the existing executive power [I need only say that] it is wholly unnecessary, for no negotiation whatever has

[22] Zozaya to Adams [May 16], 1823, enclosing translation of Illueca to Zozaya, Mexico, April 4, 1823, MS., Department of State, Notes from Mexican Legation, I. With these were enclosed also six official orders printed in Spanish, issued by the supreme executive power, organizing the new government.

been begun. Indeed, if it can be said that I have done my country any service on this mission, that service can consist only in my having done nothing, at least so far as the foreign loan is concerned which I was authorized to negotiate and could have placed successfully."[23]

Colonel José Anastasio Torrens, secretary of the legation, was left as chargé d'affaires.[24] The lack of funds to meet the expenses of the legation which had embarrassed the minister was still more troublesome to the chargé. The financial difficulties of the government in Mexico, due to its uncertain tenure, made it impossible to supply the needs. During these early years there was a constant clamor for more funds to enable it to maintain its dignity and sustain the credit of the country. In the absence of the necessary funds, various devices and subterfuges were resorted to.

[23] Nota del Ministro Zozaya, 20 de mayo de 1823, La Diplomacia Mexicana, I, 110. In this he told of the debt he had incurred for the running expenses of the legation. He also told of his having planned before receiving the communication to return to Mexico, and of his having presented Torrens as chargé. On the day following that on which this letter was written he said he would leave for New Orleans, and study there the conditions on the frontier between the two countries that he might report them the better when he should reach Mexico.

[24] Torrens to Secretario, Filadelfia, 31 de mayo de 1823, La Diplomacia Mexicana, II, 9.

In this Torrens tells of the arrival of commissioners from San Salvador in Central America, who came to ask that the United States accept their country as a state of the union. For later notices concerning this commission see pages 12, 20, 32, 33, of the same volume.

In order to escape the social obligations of the capital, Torrens resided much of the time in Philadelphia. When his credentials from the new government arrived he did not have money enough to pay the expense of a trip to Washington and at the same time pay his board bill at the Philadelphia boarding-house, in the payment of which he was several weeks behind. So he decided to write Adams that a slight indisposition prevented him from coming immediately to present the credentials which he had just received; but he would have the honor of doing so a few weeks later. He enclosed copies of them.[25] He felt that it would be necessary for him to be in Washington in the winter during the sessions of Congress; but he had concluded to stay there for not more than a month at a time, thus relieving himself of the necessity of taking a house and keeping a coach, which custom had rendered essential.[26] When Richard Meade learned that Torrens was unable to go to Washington for lack of funds he promised to pay the board bill.[27] But in the middle of December he was still in Philadelphia. President Monroe had sent word that his presence in

[25] Torrens to Secretario, Filadelfia, 22 de noviembre de 1823, La Diplomacia Mexicana, II, 48; Torrens to Adams, Filadelfia, 29 de octubre de 1823, enclosing the copy of his credential letter, Supreme Executive Power to President of the United States, Mexico, 23 de agosto de 1823, MS., Department of State, Notes from the Mexican Legation, I. The credential letter is printed in La Diplomacia Mexicana, II, 28.

[26] Torrens to Secretario, 22 de noviembre de 1823, La Diplomacia Mexicana, II, 55.

[27] Torrens to Secretario, Filadelfia, 2 de diciembre de 1823, La Diplomacia Mexicana, II, 63.

Washington was necessary. So on December 19 he started for the capital.[28] In spite of the scantiness of funds he was still there three months later since Meade had agreed to advance what money he should need till funds from Mexico should arrive. For economy's sake he was living with the secretary of legation and consul-general of Colombia; but he found this very unsatisfactory.[29] Later the President of the United States declared that it was improper for diplomatic agents to reside away from Washington, since they had to be summoned and awaited every time it became necessary to treat with them.[30]

For several months after assuming the duties of the legation Torrens was left without instructions or credentials from the new government, or even official notices of occurrences in Mexico. He frequently complained of this neglect and the embarrassment which it occasioned for him and for the interests of his government.[31] When in August, 1823, Lucas Alaman, then minister for foreign relations, had the new credentials ready to send, he explained that the delay had been due to the fact that the new executive did not feel itself authorized to enter into relations with

[28] Torrens to Secretario, Filadelfia, 16 de diciembre de 1823, La Diplomacia Mexicana, II, 69; Torrens to Secretario, Washington, 26 de enero de 1824, La Diplomacia Mexicana, II, 72.

[29] Torrens to Secretario, Washington, 23 de marzo de 1824, MS., Relaciones Exteriores.

[30] Torrens to Secretario, Filadelfia, 14 de julio de 1824, MS., Relaciones Exteriores.

[31] See La Diplomacia Mexicana, II, 13, 15, 18, 19, 69, 72.

foreign countries until the Congress should take action on the matter. That body had not acted until July 21, although the executive had requested authority as early as April 5, preceding. For some reason the request had not been submitted to the Congress until July 13.[32] Torrens's credential letter which Alaman addressed to the President of the United States in the name of the supreme executive power of Mexico declared that from the moment when it was put in charge of the government its first and most ardent desire had been to strengthen the relations with the United States. Now finding itself able to do so, it named Torrens for the purpose.[33] On December 22, 1823, as soon as he

[32] Minuta de Ministro Alaman, 21 de agosto de 1823, La Diplomacia Mexicana, II, 26. Decreto de Congreso de 21 de julio de 1823, Coleccion de Ordenes y Decretos de la Soberana Junta y Congresos, II, 152: "Se autoriza al supremo poder ejecutivo para que abra, por ahora, relaciones de amistad con las potencias que juzge oportuno."

[33] Supreme Executive Power to President of the United States, 23 de agosto de 1823, La Diplomacia Mexicana, II, 28. No new instructions came for Torrens, so he took it for granted that he was to be guided by those which the imperial government had given to Zozaya. La Diplomacia Mexicana, II, 53.

It is interesting to notice again the great respect, bordering on veneration, which the Mexicans had for Henry Clay. The letter from Iturbide to Clay of the preceding year is mentioned in note 5 above. The new supreme provisional government addressed him as follows: "Mexico, 27 de agosto de 1823. Al Honorable Señor Enrique Clay. El Supremo Gobierno Provisional de la Nación Mexicana, lleno de gratitude por el interés que usted con tanta energía ha manifestado por este país, se ve en la grata obligación de manifestarle cordialmente aquella, tanto en su nombre como en el de todos los habitantes de México.

arrived in Washington Torrens handed to Adams the

"El Soberano Congreso de la Nación, reinstalada por los heroicos esfuerzos de los patriotas, ocupado indefatigablemente en trazar las líneas del grandioso edificio de nuestra futura prosperidad identificada con la de nuestros hermanos de esos Estados, al paso que ofrece testimonios del reconocimiento más sincero á los que han peleado por la independencia mexicana sabe ser agradecido á los buenos deseos y oficios de cuantos los han prestado al país para hacer valer sus derechos y contribuir á su bienestar futuro.

"Entre todos ocupa usted un lugar mui distinguido, y así es también el aprecio que el Supremo Poder Ejecutivo, en consonancia con aquellos sentimientos, tributa á sus singulares talentos y sublimes virtudes patrióticas, congratulándose al considerar que cuando todo nos anuncia aqui el establecimiento firme y duradero de un sistema de gobierno análogo á las circunstancias de nuestro país, ya destruído el que se había instalado; y que sobre haber sido obra de la violencia había degenerado en despótico con demasiada velocidad, hallará en usted un firme amigo que contribuirá á nuestra apetecida felicidad.

"Hecha como está hace tiempo, la convocatoria para el nuevo Congreso Constituyente, que debe reunirse á lo más tarde el día último de octubre de este año y que toda la Nación aguarda con la mayor ansia y las más felices disposiciones deben esperarse de tan augusta Asemblea toda clase de bienes y cuantas ventajas son imaginables para esta naciente Estado, que tiene el mayor anhelo por estrechar más y más los vínculos de amistad y fraternidad con los norte-americanos y reproducir á V. los sentimientos más puros de benevolencia.

"Con ellos y los de la mayor consideración, me protesto su muy obediente servidor." This was signed by Alaman. La Diplomacia Mexicana, II, 30.

The original of this in MS., Relaciones Exteriores, is accompanied by the following note: "El Soberano Congreso al paso que ofrece testimonios de gratitud á los heroes que han peleado derramando su sangre y perecido en la causa de su independencia no puede desentenderse de la simpatia y buenos deseos manifestados por sus hermanos de la Republica adya-

original of his credential letter, of which he had sent a copy two months earlier.[34]

On December 6, Torrens had written from Philadelphia telling of the reception of the President's annual message, which contained the declarations destined to become famous as the Monroe Doctrine. He quoted the significant clauses, said they were very popular and were applauded by all the public papers, and declared they meant that the United States would break their neutrality in case any power should aid Spain to conquer America. Already ships were ordered to the Gulf of Mexico to watch developments.[35]

cente de los Estados Unidos de America; y reconociendo con agradecimiento las amistosas disposiciones de los patriotas ciudadanos de dhos. Estados, confia que no considererá odioso el hacer mencion particular del individuo que ha dada las pruebas mas relevantes del interes que toma en nros. negocios.

"Por tanto se ha servido resolver que el Supremo Poder Ejecutivo haga presente al Honorable Enrique Clay, los satisfactorios que han sido al Congreso de la Nación Mexicano, sus activos esfuerzos en apoyo de los derechos de nra. Nación, en que ha manifestado su amor á los interesos de la humanidad y a la libertad de los pueblos, en cuya virtud se le suplica acepte este testimonio de su más sincero agradecimiento, como una ligera prueba de su consideración y respeto á sus conocimientos políticos."

[34] Torrens to Secretario, Washington, 26 de enero de 1824, La Diplomacia Mexicana, II, 72.

[35] Torrens to Secretario, 6 de diciembre de 1823, La Diplomacia Mexicana, II, 67.

A study of the character of and evolution of the Monroe Doctrine is not necessary here, though its connection with the subject matter of this and the two following chapters is very close. Numerous special treatises on the subject are easily available.

About a month before Monroe's famous message was read in the United States Congress, the Mexican foreign minister, Alaman, had read to the new Mexican Congress a memorial setting forth the state of that country's relations with other powers. He declared: "During the first steps of our political existence, our foreign relations have necessarily been very limited; for while our attention was occupied with domestic dissensions, it was not possible for the nation to be represented with the requisite dignity and consistency to render it respectable in the eyes of other nations. Our independence has nevertheless been solemnly recognized by the United States. . . . The friendship and good understanding with that nation continues undisturbed."[36]

It was not the intention of the new government to leave the post at Washington filled merely by a chargé. Steps were taken to send again a fully accredited minister plenipotentiary. Zozaya, who had returned to Mexico after one winter at Washington, was not sent back as he had thought he would be. He had been the representative of the empire. The new republican government chose a new man to represent it. The first that it selected was Colonel Melchor Muzquiz. He was appointed in April, 1824, but various circumstances delayed his departure, and finally he de-

[36] Alaman, Memoria que el Secretario de . . . Relaciones . . . presenta al Soberano Congreso . . . 8 de noviembre de 1823. Poinsett, Notes on Mexico, 311, quotes a translation of the same. The translation given in British and Foreign State Papers, X, 1070, is dated November 1.

cided that it would be impossible for him to go.[37] A few days after the resignation of Muzquiz had been accepted, Pablo Obregon was appointed in his stead. This was early in August, 1824. Preparations were made for his early departure.[38] His credentials were signed on August 30.[39]

Obregon was thus the fourth minister plenipotentiary whom the various governments in Mexico had accredited to the government of the United States. He was the second actually to reach his post, and the first who really had any important dealings with the administration at Washington. The real beginning of

[37] Bocanegra, Memorias . . . de México Independiente, I, 299; Alaman to Torrens, 7 de abril de 1824, La Diplomacia Mexicana, II, 78. For the decree of Congress of 8 de abril de 1824, approving the appointment of Muzquiz, see Coleccion de Ordenes y Decretos de la Soberana Junta y los Congresos, III, 41. Secretario to Torrens, 10 de julio de 1824, MS., Relaciones Exteriores, announced that it was impossible for Muzquiz to go and another would be appointed.

[38] Secretario to Torrens, 21 de julio de 1824, tells of the resignation of Muzquiz and the selection of Obregon. The latter's commission was dated 4 de agosto de 1824. The approval of Congress bears the same date. Obregon's acceptance is dated 5 de agosto de 1824. All of these documents are in MS., Relaciones Exteriores. The congressional approval is in Coleccion de Ordenes y Decretos de la Soberana Junta y los Congresos, III, 63. On October 2, Torrens in Washington acknowledged the receipt of the letter of July 21. Torrens to Secretario, 2 de octubre de 1824, MS., Relaciones Exteriores; and La Diplomacia Mexicana, II, 85. See Bocanegra, Memorias . . . de Mexico Independiente, I, 323, and Zavala, Ensayo Historico, I, 299, for brief discussions of Obregon's appointment.

[39] President of Mexico to President of the United States, 30 de agosto de 1824, MS., Relaciones Exteriores.

the Mexican legation dates from his arrival. The first article of his general instructions reminded him of the fact that the government to which he was going had so early recognized the independence of Mexico, and instructed him to cultivate and strengthen the friendly relations thus established, avoiding every motive for complaint or discord. The first article of his secret instructions told him how these friendly relations might be strengthened. President Monroe's message at the beginning of the last session of Congress, he was told, indicated that the United States was disposed to make common cause with the other independent governments of the American continent in resisting the threatened aggression of the Holy Alliance. He was to learn what assistance Mexico might expect from the United States in case of an attack by the European powers, and was to use his influence to further any tendency that he might discover to help the new governments. He was to appoint and supervise the Mexican consuls at the various ports of the United States and on the frontier posts through which immigrants from the United States were entering the Mexican republic. He was to fix regulations for issuing passports to such, and see that none entered Mexico without passports. He was also to issue regulations for the shipment of goods from ports of the United States into Mexico, and through his consular appointees enforce those regulations. His instructions concerning treaties of amity, commerce, boun-

daries, and other matters will be studied in the subsequent chapters dealing with those subjects.[40]

On September 26, he embarked at Mocambo, near Vera Cruz;[41] and on October 20 he landed at New York.[42] On October 22 Torrens wrote from Philadelphia to Adams announcing Obregon's arrival at New York and saying that the new minister would soon proceed to Washington.[43] Obregon and Torrens together arrived in Washington on November 15. The latter introduced the former to Secretary Adams on the 17th when arrangements were made for the formal presentation of the new minister to President Monroe. On the following day, November 18, the presentation ceremony occurred, completing the recognition of Obregon as minister plenipotentiary.[44]

[40] Instrucciones de Obregon, Mexico, 30 de agosto de 1824, and Instrucciones mui Reservadas, MS., Relaciones Exteriores.

[41] Obregon to Secretario, Mocambo, 26 de septiembre de 1824, MS., Relaciones Exteriores.

[42] Obregon to Secretario, New York, 21 de octubre de 1824, MS., Relaciones Exteriores.

[43] Torrens to Adams, Philadelphia, October 22, 1824, MS., Department of State, Notes from the Mexican Legation, I.

[44] Obregon to Secretario, Filadelfia, 26 de noviembre de 1824, MS., Relaciones Exteriores; and Torrens to Secretario, Filadelfia, 27 de noviembre de 1824, La Diplomacia Mexicana, II, 86. Obregon to Adams, Washington, 16 de noviembre de 1824, MS., Department of State, Notes from the Mexican Legation, I, announces his arrival at the capital. The credential letter declared: "Animados como siempre del más vivo deseo de continuar y estrechar las relaciones amistosas que felizmente existen entre estos y esos Estados, y que debe hacer mui firmes y duraderas la identidad de las intereses de una y otra nación hemos resuelto nombrar al Exmo.

Torrens took formal leave at the same audience at which he presented the new minister, and his duties as chargé at Washington ceased. He had already been appointed to a similar position at Bogotá and received instructions to proceed directly from Washington to his new post in Colombia.[45] There we shall find him doing important service for his country in connection with the schemes of Colombia and Mexico for intervening in the affairs of Cuba.

On the last day of the year 1824, Obregon had an audience with President Monroe to present a personal letter from the newly elected President of Mexico, Guadalupe Victoria, to the President of the United States, announcing that on October 4, preceding, the Mexican Congress had adopted a federal constitution

Sor. D. Pablo Obregon Ministro Plenipotenciario y enbiado estraordinario de esta Republica en esos Estados." This was dated Mexico, 30 de agosto de 1824, and signed by Bravo, Guerrero, and Dominguez in the name of the supreme executive power, and addressed to the President of the United States. A copy of this was enclosed with Obregon to Adams, 16 de noviembre de 1824, above; and the original was presented at the audience of November 18. MS., Department of State, Notes from the Mexican Legation, I. For a brief account of Obregon's reception see Bocanegra, Memorias . . . de Mexico Independiente, I, 365. This quotes from the Aguila Mexicana, 10 de enero de 1825, the presentation address and response.

[45] Torrens to Secretario, 27 de noviembre de 1824, La Diplomacia Mexicana, II, 86; Torrens to Adams, December 10, 1824, MS., Department of State, Notes from the Mexican Legation, I. In the last he offers to bear despatches from the United States government to its minister at Bogotá, whither he was going as quickly as possible.

for the country. He added: "I deemed it of the first importance to discharge before all things the grateful task of making it known to Your Excellency, and also [of informing you] that I am in possession of the office of President." On receiving the announcement, President Monroe said it was an event the communication of which he received with the greatest satisfaction.[46]

The administration of President Victoria which began at this time and lasted for a little more than four years was the longest period of orderly government that Mexico has ever enjoyed, with the exception of the period of the rule of Porfirio Diaz. Mexico gave promise of becoming a country of such rank and importance that it seemed well worth while for the United States not only to establish a legation at its capital, but to put in charge of that legation a fully accredited minister of recognized talents and experience to establish and defend the important interests of the United States in the new country.

All negotiations of importance during the period covered by this study were destined to be carried on in Mexico City between the United States minister there and the Mexican cabinet. Although no very important negotiation was entrusted to him, yet Obregon's presence in Washington was of great value to his gov-

[46] Adams, Memoirs, VI, 456. Guadalupe Victoria to President of the United States, Mexico, October 26, 1824, MS., Department of State, Notes from the Mexican Legation, I. The Spanish original signed by Victoria accompanies the translation from which the above is quoted.

ernment. He was eyes and ears for it, reporting all he could hear or see, which would concern his country, of occurrences not only in the United States but in Europe as well. In this capacity he served his country faithfully for nearly four years. His government's unstable financial condition made it impossible to supply him with funds sufficient to maintain his country's credit and dignity or his own comfort. Finally driven to distraction by financial embarrassment, by ill health, probably by bad news from home, and, it was thought also, by disappointment in love, he terminated his services by committing suicide.[47]

[47] He had repeatedly requested his recall. Before he had been in Washington two years he wrote that the grave infirmity from which he was suffering and of which he had previously written made continuous exertion impossible; and he asked to be permitted to withdraw from his post and return home. Obregon to Secretario, 20 de agosto de 1826. In the following winter he asked that his recall be sent as soon as possible, alluding to pecuniary and other difficulties. Same to same, 21 de febrero de 1827, MS., Relaciones Exteriores.

In August, 1828, Obregon announced to the State Department his intention of absenting himself from the United States on a visit to Mexico, giving ill health as his reason. He said that he would leave Montoya as chargé d'affaires. A little less than a month later Montoya announced the death of Obregon. Obregon to Clay, August 14, 1828, and Montoya to Clay, September 11, 1828, MS., Department of State, Notes from the Mexican Legation, I.

On the same day on which he announced Obregon's death to the State Department Montoya wrote a long account of it to his government. Beginning by saying that Obregon had retired to return to Mexico leaving him as chargé and that one of his first duties was the unpleasant one of telling of Obregon's suicide, he speculated at length on the probable

cause for the deed. He said that no declaration of motives could be found. But it seemed that the minister had offered his hand to a young lady, a resident of the United States, and had been refused. This made a deep impression on his too vivid imagination and was probably the final cause of his complete loss of balance. But the absolute failure of his means of subsistence and the consequent necessity of retiring from his post in order to sell his furniture had aggravated the malady from which he was suffering. In spite of his melancholy, however, Obregon had given no sign of attempting to take his life until two or three days before his death. Up to that time he had been engaged in arranging his papers and preparing for the journey which he expected to make by way of New Orleans. At that time he had received some letters. Montoya was uncertain whether they brought disagreeable domestic news, or whether Obregon imagined some misfortune that did not exist. But it was certain that on the very day on which he had received the correspondence he had broken out with a declaration that he would not now go to Mexico but would stay in the United States. He had made good this declaration by the catastrophe which had just occurred. Taking advantage of the absence of the legation officials, Obregon had hanged himself from the ceiling of his room. An enclosed medical certificate of a physician who had been summoned in hope of restoring life told the facts so far as known. Death certificate, dated 10 de septiembre de 1828, and Montoya to Secretario, 11 de septiembre de 1828, MS., Relaciones Exteriores.

CHAPTER II

Tardy Appointment and Cool Reception of the First United States Minister to Mexico

Athough the government of Mexico was very slow in establishing its legation in Washington, yet the Washington government was slower still in opening the United States legation at Mexico. Furthermore the delays were less unavoidable. The equivocal character and uncertain tenure of the various shortlived governments of Mexico had something to do with the delays on both sides. But there were other reasons, the motive for which was far less creditable to the Washington administration. There were strong suspicions—and there is little doubt that those suspicions were well founded—that this and other diplomatic appointments were intentionally delayed to be used as political capital. The relation between the appointment of a minister for Mexico and the notorious presidential contest of 1824 is so intimate that in order to understand the former it is essential to refer frequently to the latter. For two or three years before it occurred that coming conflict cast its shadow over the country and influenced the conduct of the Washington cabinet, and especially that of the secretary of state, who was one of the most important participants in the conflict. To appreciate the difficulties which the first

minister encountered when he finally reached Mexico, which difficulties he felt were a consequence of the long delay, it is also desirable to understand the causes for the delay.

On March 7, 1822, the day preceding the one on which President Monroe sent his famous message to Congress recommending the recognition of the independence of Mexico and of several other Latin-American countries, Secretary Adams wrote: "There has been hitherto no agent of the United States in Mexico; but among the papers herewith submitted is a letter recently received from a citizen of the United States, who has been some years residing there, containing the best information in possession of the government concerning the late revolution in that country."[1] Wilcocks, the citizen here mentioned, arrived in Washington a few days afterward and, on March 13, delivered to the State Department the despatch dated November 30, preceding, sent by Herrera, the minister for foreign relations of the new Mexican executive, men-

[1] Adams to Monroe, March 7, 1822, American State Papers, Foreign, IV, 819. For the President's message to Congress of the following day, see the same, 818; or British and Foreign State Papers, IX, 366. Concerning the recognition of Mexican independence by the United States, see footnote 18, chapter I, above.

The letter referred to by Adams is that of Wilcocks, dated October 25, 1821, cited in footnote 1, chapter I, above. It is a long laudatory account of the character and work of Iturbide. It reviews also the progress of the revolution from its beginning in 1810.

tioned above as the first diplomatic communication which passed between the governments.[2]

Adams replied to Herrera's letter on April 23. In the meantime Congress had almost unanimously endorsed the President's proposal to recognize the new states. In this reply Adams told Herrera that the President would appoint a minister to represent the United States at Mexico.[3] Almost as soon as it was decided that the United States should recognize the new states the question presented itself whether ministers should be appointed and despatched at once; or whether the government at Washington should await the arrival of an agent from each of those states and then send one of the same rank in exchange. The cabinet was not unanimous for either proposition. Adams thought the latter course should be pursued, but was not insistent. The indecision caused delay. The matter was discussed in April, 1822, again in June, and as late as November without a definite decision being reached.[4] The arrival and reception of Zozaya, the minister from Mexico, early the following month removed this ground for delay.[5] Early in January of 1823 the selection of a minister for Mexico was taken up in earnest, the President having decided that the position should be filled at once.

[2] See footnote 2, chapter I, above.

[3] Herrera to Adams, September 24, 1822, MS., Department of State, Notes from Mexican Legation, I, acknowledges this letter from Adams of April 23.

[4] Adams, Memoirs, V, 492; VI, 24, 110.

[5] See chapter I, above.

At President Monroe's request Adams offered the post to Senator Brown of Mississippi on January 10. That gentleman expressed his appreciation of the confidence which the President thus showed in him but declined, "the state of society and the condition of the country being such that he could not think of taking his wife there, and he could not think of going without her." The President had thought Brown peculiarly fitted for the mission because of his wealth, ability, handsome person and polished manners. When Brown declined Monroe was disappointed and somewhat perplexed to find another so well fitted.[6]

In this same month Poinsett returned from Mexico where he had spent the autumn of the preceding year studying the conditions of the country. The report which he sent to Monroe with reference to the stability of the imperial government, then in control, was not encouraging. After telling of the disturbed condition of the country, he said: "It is difficult therefore to form a correct opinion of the result of this contest although I am disposed to believe that Iturbide cannot maintain himself many months on the throne. At all events it becomes an important question whether the United States ought to sanction and recognize as legitimate a government erected and supported by violence and oppression. By recognising the Emperor during the present contest we give him an advantage over the republican party. We take part against the majority of the nation."[7]

[6] Adams, Memoirs, VI, 121–123.

[7] Poinsett to Monroe, Washington, January [—], 1823, MS.,

In spite of this advice the President did not at once desist from his attempts to fill the Mexican position. On January 12, 1823, just after Brown's refusal, Adams had suggested to Monroe that the Mexican mission be offered to Andrew Jackson. The President thought Jackson's quickness and violence of temper might make the expediency of his appointment questionable. Adams believed he would do nothing to injure the interests of his country; but said there was a more serious difficulty. The legislature of Tennessee had nominated him for the presidency in the election to take place the next year. To send him on a mission would look like trying to get him out of the way. The President agreed that there was some danger of that.[8]

To get Jackson out of the way was exactly what Adams wanted to do, though he probably would not have admitted it even to himself. But of course he did not want it to look as if he were trying to do so. He had already attempted to rid himself of a still more formidable rival, as he thought, by suggesting that Henry Clay be honored by being appointed first minister to Colombia, as a reward for Clay's long and enthusiastic advocacy of the cause of human liberty and the recognition of the independence of the

Poinsett Papers, volume II, Pennsylvania Historical Society Archives. This is in Poinsett's own hand. The day of the month is not given. See below, footnote 25, this chapter, for the copy of this report filed in the archives of the Department of State.

[8] Adams, Memoirs, VI, 128.

Spanish-American states, which advocacy had considerably embarrassed Adams in the slow, cautious policy which he had pursued in the matter.[9] In spite of the difficulty, however, Adams addressed a letter to Jackson on February 19, 1823, enclosing the latter's commission from the President as minister to Mexico, adding the gentle compliment, "Permit me to express my own hopes that our country may on this occasion have the benefit of your services."[10] The honor came as a complete surprise to Jackson; but he rose to the occasion. Nearly a month later he replied that the President had said he was under no obligation to accept since he had not been consulted before the nomination was made. As a sort of sugar-coating for the dose of disappointment, and to conceal his real motive as artfully as Adams had done, Jackson said he believed that no American minister could at the time effect any beneficial treaty with Mexico, because that country was engaged in a new struggle for liberty against the efforts of the usurper Iturbide to establish himself as emperor. Furthermore, because of his own well known sympathies for the republicans of Mexico he thought it would be embarrassing

[9] Adams, Memoirs, VI, 26. It is interesting to note the magnanimity with which Adams felt he was acting. He says: "In pursuing a generous policy towards him, as an enemy and a rival, I do some violence to my own inclination, and shall be none the better treated by him; but I look to personal considerations only to discard them, and regard only the public interests."

[10] Adams to Jackson, February 19, 1823, MS., Department of State, Instructions, IX, 169.

for him to go as minister to the imperial government.[11]

The expected collapse of Iturbide's empire very shortly after Jackson's refusal of the mission and the long period of uncertainty during which the Mexican government was being reorganized caused the government at Washington to abandon for the time its efforts to fill the post. In October, 1823, Torrens, then Mexican chargé in Washington, told his government that the reports of recent events in Mexico and especially letters from citizens of the United States living in Mexico had influenced the govern-

[11] Jackson to Adams, March 15, 1823, MS., Department of State, Despatches from Mexico, I. Between the time of Jackson's appointment and his refusal, Zozaya, the Mexican minister lately arrived in Washington, wrote to his government of the choice, and of the probability that Jackson would not accept. La Diplomacia Mexicana, I, 104. The date of Zozaya's letter is incorrectly given as 28 de diciembre de 1822. It says: "El 23 de enero, cuando todo lo que corría era contrario al Imperio, y cuando todavia ni aun podían tenerse las instrucciones de Mr. Poinsett, porque no había llegado, procedió el Presidente al nombramiento de Ministro para México, con el carácter de Enviado Extraordinario y Plenipotenciario, lo mismo que yo he venido aquí, á diferencia de los demás lugares de América para los que los nombrados no tienen el carácter de Enviados Extraordinarios.

"El nombramiento recayó en el General Jackson, el militar de más reputación en todos estos Estados, y tanto que se tiene por uno de los candidatos para las elecciones de Presidente. No ha venida su contestación oficial para saber si admite el cargo, pero por noticias privadas recibidas ayer, he sabido que no lo admite, . . ."

Reeves, J. S., Diplomacy Under Tyler and Polk, 60, mentions Jackson's appointment and refusal; also Rives, United States and Mexico, 1821–1848, I, 46.

ment at Washington and that all talk of sending an envoy had been suspended.[12]

It was not until the beginning of the next year that the matter was again seriously taken up. On January 5, 1824, Adams entered in his diary the fact that he had discussed the fitness for the mission of Ninian Edwards, who had been territorial governor of Illinois during the whole of that commonwealth's territorial period and was just about to complete his term as one of the first two senators from that new state. On January 17 he says he had urged President Monroe to appoint Edwards although Adams felt that he had been mistreated by Edwards. The President favored G. M. Dallas who was also urged for the appointment by the Pennsylvania delegation in Congress. But Adams opposed Dallas on the ground that "he was

[12] Torrens to Secretario, Filadelfia, 21 de octubre de 1823, La Diplomacia Mexicana, II, 45. He says: "Desde los primeros movimientos del Gral. Santana, cuando se pronunció en Veracruz por la libertad, comenzaron los particulares á desconfiar de que nos pudiésemos consolidar, á lo que ayudaban las cartas de los mismos americanos de los E. U., establecidos en México, que se publicaban en las Gacetas, y de las cuales la major parte se reducía á describirnos llenos de vicios que nos hacían incapaces de formar un gobierno republicano. Esto no dejó de influir en el Gobierno, pues me consta que, habiendo renunciado el Gral. Jackson el destino de Enviado á México, se había dispuesto que fuese el Secretario como Encargado de Negocios; lo cual se suspendió y no se ha vuelto á hablar más de Enviado, sobre todo, después del último movimiento del Gral. Santana, que acabó de perdernos el concepto, tanto más, que lo suponían de acuerdo con San Juan de Ulúa, para dividirnos y que triunfase el partido borbonista que creían existente."

not yet of the age and political standing suitable for that appointment." The fact that the influence of the appointment on the coming presidential election was a matter for serious consideration is evident from Adams's statement, "as to its bearing on the presidential election, I must be indifferent between Mr. Edwards and Mr. Dallas, both of whom are avowed partisans of Mr. Calhoun."[13] He was apparently satisfied that the post should go to the Calhounites, since the great South Carolinian's ambition had been postponed for the present by conceding to him the position of vice-president on the ticket in the famous contest of that year. Adams's influence prevailed. Edwards was nominated, and on March 4, 1824, his nomination was confirmed by the Senate.[14] A few days later he resigned his seat in that body, and in less than a month had left Washington for his home in Illinois to prepare for an early departure for Mexico.[15]

[13] Adams, Memoirs, VI, 227, 233, 234, 241, 243. Torrens to Secretario, 4 de febrero de 1824, La Diplomacia Mexicana, II, 76, mentions the proposed appointment of Dallas, but says objections had arisen.

[14] Jackson to Edwards, March 4, 1824, congratulating him on his appointment, Washburne, the Edwards Papers, 222; Rufus King to Edwards, March 4, 1824, the same, 222. Adams, Memoirs, VI, 245.

[15] Edwards to Adams, March 9, 1824, MS., Department of State, Despatches from Mexico, I. This shows anxiety to get to Vera Cruz as soon as possible to avoid being on the coast during the rainy, sickly season. Torrens to Secretario, Washington, 23 de marzo de 1824, MS., Relaciones Exteriores. In this letter the Mexican chargé told his government of Edwards's appointment, resignation from the Senate, and proposed route, saying he would probably arrive in July.

At this juncture the relation between the appointment to Mexico and the exciting presidential contest of 1824 becomes more intimate and interesting. Just about the time Edwards was leaving Washington some unkind things were said about him by supporters of Crawford, the fourth[16] candidate for the presidency. While on his way towards Illinois Edwards returned the compliment by addressing to the House of Representatives a communication declaring himself to have been the author of an anonymous statement which had appeared some time before charging Crawford with official misconduct as secretary of the treasury. He now renewed the accusation. This caused great excitement. A congressional investigating committee was appointed, and given power to send for persons and papers. Monroe was very indignant at Edwards and thought he ought to resign at once. He instructed Adams to request Edwards not to proceed on his mission for the present but to await the orders of the committee.[17] Edwards returned to Washington. The investigation was political rather than judicial, and eminently unfair to Edwards, being in the hands of Crawford's friends. Calhoun had foreseen that it

[16] Adams, Clay, and Jackson, already mentioned, were the other three.

[17] Adams to Edwards, April 22, 1824, MS., Department of State, Instructions, X, 171; Adams, Memoirs, VI, 296–301; D. P. Cook to Edwards, April 17, 1824, Washburne, The Edwards Papers, 223.

Torrens to Secretario, 5 de mayo de 1824, MS., Relaciones Exteriores, said it was thought that another minister would be chosen, since it was supposed that Mexico would take Edwards's appointment as an insult.

would be so. In a preliminary report of the Senate committee all the facts charged by Edwards were admitted; but Crawford was acquitted of any evil intention. Then to throw dust into the air in hope that Crawford might hide behind the cloud, some indiscreet things that Edwards had said and done were brought forward and discussed. Monroe brought pressure to bear and on June 22, after he found further resistance hopeless, Edwards resigned, declaring to the President that he thereby made a voluntary surrender of what his enemies had tried to force from him, and that his sole reason for doing it was to relieve Monroe from any further embarrassment because of him. A cabinet meeting in session when the resignation was presented agreed that Edwards was a much injured man.[18] This Edwards-Crawford controversy occupied most of the attention of the cabinet meetings from

[18] Edwards to the President, June 22, 1824, enclosing his resignation of the same date and saying that he was undecided whether he should accompany it with an explanation of his reasons or not, MS., Department of States, Despatches from Mexico, I; same to same, same date, in Washburne, The Edwards Papers, 224–229, explains at length his reasons. Rives, United States and Mexico, 1821–1848, I, 46, mentions Edwards's appointment and resignation.

An amount equal to a full year's salary, $9,000, had been advanced to Edwards to purchase an outfit, and the government experienced difficulty in getting him to refund. He had actually purchased part of his outfit. He finally agreed to repay two thirds, though he said he believed the government had no legal right to claim it. Adams to Edwards, October 9, 1824, MS., Department of State, Instructions, X, 213; Edwards to Adams, November 10, 1824, MS., Department of State, Despatches from Mexico, I.

May 18 to June 22, if one can judge from the space given to it in the hundred pages of Adams's diary covering this period.[19] It was the influence which the affair exerted on the election, and the fact that the administration was dragged into the controversy, that made it seem so important.

The resignation of Edwards left the Mexican post still vacant, and the interests of the United States in Mexico still neglected. Some suspected and charged that this and other vacant diplomatic posts were being held open by Adams to purchase support in the presidential conflict.[20] He declared that this was a mistaken notion, and that he would as soon all should be filled; but still they remained open. The threatened return to power of Iturbide after his year of exile had something to do with delaying again the Mexican appointment. As the delay lengthened the number of candidates for the Mexican place increased. The most

[19] Adams, Memoirs, VI, 296–395. Torrens to Secretario, 10 de julio de 1824, La Diplomacia Mexicana, II, 80, tells of Edwards's detention, of the congressional investigation, and of Edwards's resignation. He said the talk now was of choosing another.

[20] Torrens to Secretario, 10 de julio de 1824, La Diplomacia Mexicana, II, 80, says: "El Presidente se ha visto tan atacado por los diferentes partidos acerca de la presidencia, que le acusan de parcialidad en el nombramiento de los empleos, haciéndolos recaer en los amigos del que él prefiere para su sucesor, que yo creo difícil que se resuelva á nombrar alguno antes de la reunión del Senado, el primer lunes de diciembre. Sin embargo, nombrando al General Harrison, no se expone á la censura, por considerarse dicho General amigo político de Mr. Crawford."

prominent were Dallas, who had been urged when Edwards was appointed, and who later was vice-president; Henry Wheaton, later so prominent in American diplomacy and as a writer on international law; Thomas H. Benton, who was urged for the place by Poinsett when Monroe first suggested the latter for it; and William H. Harrison, whom Clay favored for the place, who was himself anxious for it and had solicited and obtained many recommendations for it, and who was later appointed minister to Colombia.[21]

When the resignation of Edwards was imminent Poinsett was considered for the place. In July, a month after Edwards resigned, Southard of the Navy Department asked Poinsett confidentially if he was willing to go to Mexico, if he could go at once, and if his absence would affect the vote of his state in the coming election.[22] In November a long, very cordial letter from a very intimate friend had closed with the statement: "As I perceive no appointment yet made for Mexico I cannot avoid hoping that if our presidential question can be fortunately adjusted, the

[21] Adams, Memoirs, VI, 413–415, 484–524; Lyman, Diplomacy of the United States, II, 484. Obregon to Secretario, 2 de febrero de 1825, MS., Relaciones Exteriores, said in order to prevent the Mexican appointment from being regarded as a price for purchasing votes, it appeared that the post would be filled at once. He expected the appointment to go to Benton, or to Everett (later appointed to Madrid); but said nevertheless it might be that the project would prevail for sending Mr. Poinsett, a person known in Mexico.

[22] Southard to Poinsett, Navy Department, July 17, 1824, MS., Poinsett Papers, volume II, Pennsylvania Historical Society Archives.

one which we all desire may yet be made."[23] In January Monroe had offered Poinsett the place; but Poinsett urged Benton instead. The reasons for Poinsett's self-denial Adams discovered later. As soon as the House of Representatives had decided that Adams should be president the Calhounites began urging Poinsett for the office of secretary of state to forestall the expected appointment of Clay; but in spite of the opposition, and in spite of the fact, which Adams and Clay foresaw, that it would give color to the "corrupt bargain" cry, and in spite of the fact that Adams disliked Clay personally, the latter was given the coveted first place in the cabinet. This exalted position having eluded Poinsett's grasp, he was willing to accept the Mexican post, having been previously assured that his nominee, Benton, would in no case be appointed. He accepted it on March 6, the next day after Adams had tendered him the appointment. Clay wished William H. Harrison to have it; but he had no objection to Poinsett.[24] Two days later the appointment was confirmed by the Senate.

[23] Stephen Elliote to Poinsett, Charleston, November 16, 1824, MS., Poinsett Papers, volume II, Pennsylvania Historical Society Archives.

[24] Adams, Memoirs, VI, 484, 506, 522–524. On March 7, Obregon told his government that, as he had said formerly might be done, Poinsett had been selected and would start early next month. At the end of March he told of Poinsett's departure for Norfolk, whence he would sail for Mexico. Poinsett was taking, for Obregon, to the Mexican foreign office a number of books and papers. Obregon to Secretario, 7 de marzo, 28 de marzo, and 30 de marzo, de 1825, MS., Relaciones Exteriores.

Probably no man in the country had the knowledge and experience which could have so well qualified him for the place as had Joel R. Poinsett. At the time of his appointment he was a congressman from South Carolina. He was a careful student and a polished gentleman. He had traveled extensively in Europe. In 1810 he had gone to South America with a commission from President Madison to report on conditions in Argentina and Chile, then just beginning their struggle for independence. In 1822 he went on the similar mission to Mexico already mentioned, was favorably received, learned much of the country and people, and made an intelligent and, as events proved, a prophetic report to the State Department which was the principal reliance of the government in shaping its policy with reference to Mexico.[25] In 1824 he published his Notes on Mexico, giving an account of his travels two years earlier and his comments on political conditions.[26]

[25] Poinsett's Report, MS., Department of State, Duplicate Despatches from Poinsett. This is not dated nor is it addressed to the department or any individual. It fills sixty manuscript pages, and is accompanied by an appendix of equal length. It begins with the Iturbidist movement of February, 1821; tells in considerable detail of the struggles between Iturbide and the legislative body, of the erection of the empire, of the ambition and stubbornness of the emperor, and of the beginning of the movement against him; and closes in December, 1822, the time of Poinsett's departure from Mexico.

[26] Poinsett, Notes on Mexico, made in the Autumn of 1822, accompanied by an Historical Sketch of the Revolution, and Official Reports, 359 pages. Zavala, Ensayo Historico, I, 241, pays a tribute to Poinsett's astuteness in foretelling events.

To the average person Poinsett's chief title to fame does not rest on his filling this diplomatic position, or a number of other official posts which he held before or after; but on the fact that he made known to the world the beautiful Christmas flower which in honor of him was named "poinsettia." However even this discovery was a result of his residence in Mexico; for it was in Mexico that he found the flower and from there that he brought it to the attention of the botanical world.

In the instructions which Clay drew up on March 26, 1825, to govern Poinsett's conduct in Mexico, the latter was reminded of the great interest in and importance of his mission. Its purpose was "to lay for the first time the foundation of an intercourse of amity, commerce, navigation, and neighborhood which may exert a powerful influence for a long period upon the prosperity of both states." The fact is dwelt upon that the territory of the United Mexican States is coterminous with that of the United States, rendering the relations with them more important than with any other of the new states. He was told that in point of population, position, and resources, they ranked among the first powers of America; and that their early history was not surpassed in interest by that of any other part of America. He was to bring to the attention of the Mexican government the kindly feeling and sympathy with which the United States

Brown's History of Texas, I. 81, gives a very incorrect account of Poinsett's career before the time of his arrival in Mexico.

had looked upon the long struggle of the new states against the tyranny of Spain, the fact that the United States had recognized their independence at the earliest practicable moment and long before any other country had done so, and the message of President Monroe warning European governments against interfering in the affairs of the American states. He was to say, however, that the United States expected in return no special favors or privileges; but that this government did expect that no such favors or privileges would be extended to any European power unless at the same time they were extended to the United States. He was asked to express the compliment felt by the United States in that the Mexican states had copied so largely the federal constitution of the former; and was told to show an unobtrusive readiness to explain to the Mexican government the workings of that constitution.[27]

It was Poinsett's over-enthusiastic belief in the absolute necessity of maintaining the federal form of government, when he found that centralizing tenden-

[27] Clay to Poinsett, Instructions, March 26, 1825, MS., Department of State, Instructions, X, 225. Extracts from these instructions containing most of the facts given above are printed in American State Papers, Foreign, V, 908, and VI, 578, and in British and Foreign State Papers, XIII, 485, bearing the date March 25. The autograph copy of these instructions in the archives of the United States Embassy in Mexico bears the date March 25.

Only such portions of Poinsett's instructions are mentioned here as could have influenced his personal conduct in his relations to the Mexican government. The instructions intended to govern his negotiations will be studied in connection with those negotiations.

cies in Mexico threatened its overthrow, which led him to engage in the activities that gave rise to the charges against him of meddling in the internal affairs of Mexico. And it was in this injunction of Clay's to show an unobtrusive readiness to explain to the Mexican government the workings of the constitution that he could find the only excuse for his actions. Obregon wrote his government that Poinsett was pronounced in favor of the cause of the American continent and the republican system; that he had a good opinion of the state of Mexico; and that he was especially instructed to prevent England from being granted special favors in return for her tardy recognition. He told of Poinsett's visit to Mexico in 1822 and of his memoirs subsequently published; and inserted a line in cipher declaring, "in my conception he is not a person of great talents."[28]

[28] The cipher is as follows: *cn mi co n cc p to no cs*
15 414 53 115 33 118 552 551 321
pe r so na de g ra n de s ta le n to s
318 120 521 215 34 17 220 115 34 121 222 321 115 522 121.
Obregon to Secretario, 30 de marzo de 1825, MS., Relaciones Exteriores.

On the eve of Poinsett's departure C. C. Cambreleng wrote to him a long, friendly, facetious letter saying, among other things: "Make a good commercial treaty for us and take care that John Bull gets no advantage of you—if anything get the weather gauge of him—If you can get Texas for some of the lands of the poor Indians of the wilderness you will soon be a great man among us—or if you can contrive to make Cuba independent, protected by the United States, Mexico, and Colombia, you have a fair chance and I wish you luck—for it is pretty much everything in political whatever it may be in other matters." Cambreleng to Poinsett, New York, March 30, 1825, MS., Poinsett Papers, volume II, Pennsylvania His-

While this appointment had been knocked about as the football of politicians in Washington, American interests at the new capital were being neglected. The United States might have turned to good account the advantage she naturally gained by recognizing the independence of Mexico and other Spanish-American states nearly three years before England took the same step. But when on May 5, 1825, Poinsett wrote from Vera Cruz giving notice of his arrival, he had to report that British agents had anticipated him in making a treaty. The instructions to the commissioners from that country had arrived two months earlier, just about the time of Poinsett's appointment. The treaty was already concluded; the lower house of the Mexican Congress had already ratified it and he had no doubt the Senate would do so soon.[29] The abstract recognition and philanthropic declarations of the United States had interested Mexico for a time and had elicited admiration and gratitude; but dilatoriness in opening communications had made the attitude of the Washington government seem cold and platonic. If England's advances had been long delayed they had been pressed with ardor when once begun, and had

torical Society Archives. This familiar comment probably reflected pretty closely what his friend knew to be Poinsett's own sentiments. The latter's actions with reference to the three matters here specifically mentioned, British influence, Texas, and Cuba, show, as will be explained later, that these playful injunctions did not fall on deaf ears, though his policy varied in detail from these suggestions.

[29] Poinsett to Clay, Vera Cruz, May 5, 1825, MS., Department of State, Despatches from Mexico, I.

elicited an enthusiastic response. Herein was the beginning of Poinsett's troubles.

At a later period many Mexican writers, looking back to the time of Poinsett's arrival and firmly believing, though unable to produce conclusive evidence, that he was largely responsible for the confusion and disorders into which the country had fallen, alluded to his arrival as an unlucky or dismal day for the republic.[30]

In Poinsett's letter of May 5, mentioned above, he announced that he would leave Vera Cruz the next day and proceed with all possible despatch to the capital. But the speed which he made was of the Spanish variety. He reported that his reception everywhere was friendly. The attentions given him were not only respectful, but extremely kind. He was accorded military honors and every distinction. As was customary he went to Jalapa and waited there for a reply to his

[30] The following quotation from the Voz de la Patria, II, número 7, 11 de febrero de 1830, is typical of the bitterly prejudiced but generally believed statements of the character and influence of Poinsett. Reviewing the history of the Mexican government during the time of Poinsett's mission, and alluding to his arrival, the writer says: "En este misma aciago día, un correo estraordinario llegado de Veracruz avisó que habia desembarcado Mr. Ricardo Joel [sic] Poinsett, ministro plenipotenciario de los Estados-Unidos del Norte de América: al saberla el general Wilkinson que se hallaba en México, preguntó el que le anunció esta neuva, ¿que crimen habria cometida este desgraciado pueblo, que el cielo en su cólera le mandaba tal hombre para que le cause las mayores desgracias? Dentro de breve se cumplió este vatecino."

note informing the government of his arrival.[31] While at Jalapa he was informed that he would be expected to delay his entrance into the city of Mexico until the conclusion of a five days' religious festival being celebrated at San Augustin, a village just outside the capital. During the delay he lodged at the country home of Wilcocks, the United States consul, near by, and visited the scene of festivity every day. The holidays, he reported, were celebrated by early mass and late orgies. From daylight to ten o'clock the churches were filled. At twelve all went to the cock-pit. The afternoon and night were passed in gambling, in which all ages, sexes, and conditions joined; and in dancing on the green as long as daylight lasted, then after dark in the cock-pit. It was in the cock-pit that he had the honor of meeting two members of the cabinet, the secretary of state and the secretary of

[31] Poinsett to Clay, Vera Cruz, May 5, 1825, and same to same, Mexico, May 28, 1825, MS., Department of State, Despatches from Mexico, I.

Governor Barragan to Secretario, Veracruz, 3 de mayo de 1825, told of Poinsett's arrival, and said provision had been made for his journey to and his lodgment at Jalapa. A reply to this of 10 de mayo approved the governor's conduct. Poinsett to Alaman, Sacrificios, May 4, 1825, gives official notice of his arrival. A reply of 10 de mayo acknowledged Poinsett's note, enclosed a passport for him to continue his journey to the capital, and told that orders had been given providing for the security and comfort of the trip. Alaman to Governor of Puebla, 10 de mayo, instructed the latter to provide for Poinsett. A reply of 15 de mayo said the order had been complied with, and Poinsett had just arrived. MS., Relaciones Exteriores.

the treasury. He entered the capital on May 25.[32] Next day he announced to Alaman his presence and asked for an opportunity to present his credentials. Alaman replied May 27, appointing June 1 for Poinsett's reception by the president.[33]

On the day preceding Poinsett's reception the British chargé, Ward, was formally received by President Victoria. On that occasion the latter had emphasized the importance of Great Britain's recognition of Mexican independence, alluded to the English as "that great people who sustain the liberties of the world," and said he had every reason to believe that the friendship of the two nations would be perpetual. In Poinsett's report to Clay he said in view of this speech he thought it necessary to set the conduct of the United States toward these countries in its true light; and in a cipher paragraph added: "It is manifest that the British have made good use of their time and opportunities. The President and three of the secretaries—those of state, treasury, and ecclesiastical affairs—are in their interest. We have a very respectable party in both houses of Congress; and a vast majority of the people are in favor of the strictest union with the United States. They regard the British with distrust." In the speech which he felt called upon to make at his own presentation next day, Poinsett seized the opportunity to say, as Clay had in-

[32] Poinsett to Clay, May 28, 1825, MS., Department of State, Despatches from Mexico, I.

[33] Poinsett to Alaman, May 26, 1825, and Alaman to Poinsett, 27 de mayo de 1825, MS., Relaciones Exteriores.

structed, that it was peculiarly flattering to the United States that a constitution so similar to their own had been adopted by Mexico. Then he dwelt upon the sympathy with which the government and people of the United States had watched the progress of the movement toward independence; told of the recognition of that independence within less than a year after it was declared; and mentioned the subsequent declaration against any attempt of any European government to deprive them of independence. In these steps, he reminded them, the United States had taken the lead; and now the freest government of Europe had followed. President Victoria's brief reply was respectful but entirely non-committal, and lacked the enthusiasm which marked his speech to the British representative the preceding day.[34]

[34] Poinsett to Clay, June 4, 1825, enclosing a copy of the speech of President Victoria to the British chargé on May 31; of Poinsett's address of June 1; of Victoria's reply to the last of the same date; of Wilcocks's to Poinsett, May 12, and Poinsett's reply, to the last, of May 15 arranging the reception ceremonies. MS., Department of State, Despatches from Mexico, I. Poinsett's address and Victoria's reply are printed in Bocanegra, Memorias para la Historia de Mexico, I, 379–382. A copy of Poinsett's speech in English with a Spanish translation is in MS., Relaciones Exteriores. With them is Poinsett's credential letter, dated March 14, 1825, and signed by J. Q. Adams and H. Clay. An account of these receptions in Voz de la Patria, II, número 7, compares Ward and Poinsett, complimenting the latter's linguistic ability but casting reflections on his character: "El dia primero de Junio hizo lo mismo Mr. Poinsett, enviado de Norte América: su arenga estuvo mejor dicha que la del de Inglaterra, y mas larga, pues posee el idioma español muy regularmente por desgracia nuestra, para causarnos infinitos males."

Thus early Poinsett began definitely to endeavor to exert an influence on the Mexican government in order to counteract what he thought was undue English influence. It is clear, however, that he did this not for his own pleasure or profit, nor even for the benefit of the United States, but for the good of Mexico especially, and incidentally for the advantage of all the free governments of America as opposed to the despotic system of the European powers.

Paxson, Independence of the South American Republics, 252, says that Ward's reception occurred May 21, and cites as evidence a letter of that date in the British Foreign Office archives. This must be an error.

Rives, United States and Mexico, 1821 to 1848, I, 48, says: "Ward was received as chargé by the Mexican government on May 31 of the same year. England thus anticipated by one day the presentation of the credentials of the American minister to Mexico." He says almost nothing about nearly two years of negotiations that had preceded this formal reception, and had entrenched England so strongly in the good graces of the Mexican government and people.

CHAPTER III

British Influence in Mexico, and Poinsett's Struggle Against it

It is desirable at this point to review briefly the relations between England and Mexico during the three years preceding Poinsett's arrival in order to understand how the former acquired the influence in the latter which Poinsett felt it so necessary to counteract.

In 1822 as soon as Canning took control of the British foreign office he began seriously to consider the question whether England should recognize the new Spanish-American states. To Wellington, who was sent to represent England at the Congress of Verona, Canning wrote on "September 27, 1822, that he must under no circumstances, pledge his government against recognition, and instructed him to hint that England might be compelled to recognize the colonies before Parliament met."[1] On December 21 of the same year he instructed Mackie, whom he was despatching on a special mission to Mexico, to acquire information concerning the probable stability of the

[1] Temperly, Life of Canning, 175, citing a Foreign Office manuscript.

Rives, United States and Mexico, 1821–1848, I, 46–48, makes the relations between England and Mexico from 1822 to 1825 seem very unimportant.

Iturbide government, the attitude toward Spain, and the disposition toward British commerce. Mackie was authorized to declare the friendly disposition toward Mexico and the determination of England to maintain a scrupulous neutrality between Spain and her late colonies so long as the contest between them should continue. He was to learn whether Mexico would be favorable toward a mediation by Great Britain between the new government and the mother country.[2]

Mackie reached Mexico about the middle of the next year, a few months after the overthrow of Iturbide. On July 27, 1823, the new provisional government appointed Victoria to confer with the British agent. Four conferences were held between them within the next month.[3] This was looked upon by the Mexicans at the time, and afterward continually alluded to, as the beginning of diplomatic relations between Mexico and Great Britain. On Mackie's return in November he bore to Migoni (who was already in England attempting to raise a loan for his government) a commission as Mexico's confidential diplo-

[2] Canning to Mackie, December 21, 1822, Mexico, Tratados y Convenciones, II, 301; Paxson, Independence of the South American Republics, 204.

[3] Mexico, Tratados y Convenciones, II, 301–307, gives Victoria's instructions dated 27 de julio de 1823, and the minutes of the four conferences held 31 de julio, 6 de agosto, 7 de agosto, 19 de agosto de 1823. La Diplomacia Mexicana, II, 95–132, gives these, and several communications between Victoria and his government concerning the conferences.

matic agent in London.[4] It will be noticed that the instructions were given to Mackie only a few months after the message of the President of the United States and the resolution of Congress had declared for recognition. Mackie's arrival in Mexico was almost two years before Poinsett's. The fact that the former was only a confidential agent while the latter was a minister plenipotentiary made little difference to the Mexican mind. He was a representative of the British government.

When in 1823, in spite of England's protest, the other European powers intervened to restore absolute government in Spain, Canning advanced a step further in his approach toward opening friendly relations with the new states. It was the proposal of those powers to hold a conference on Spanish-American affairs that furnished the occasion for Canning to make to Rush, the United States minister in Lon-

[4] See Zavala, Ensayo Historico, I, 198, which says: "Este fué el principio de las relaciones diplomaticas entre ambas naciones." On page 253 he compares the English manner of recognizing Mexico with that of the United States and comments on the difference. On page 265 he tells of the commission which Mackie bore to Migoni. La Diplomacia Mexicana, II, 150–206, gives the correspondence between Migoni and his government from his appointment, August 2, 1823, till after his displacement by Michelena nearly a year later.

Paxson, Independence of the South American Republics, 218, tells of Mackie's exceeding his instructions by interfering to prevent Mexico from concluding a commercial treaty with Spain which he thought was nearing completion and considered inimical to the policy and commerce of the British Empire.

don, the well-known proposals for a joint declaration by England and the United States of their policy with reference to the new governments and their relation to the mother country. Canning was not yet prepared formally to recognize the independence of the new states, and declined to do so when Rush made that a necessary condition for his taking the responsibility of agreeing to the joint declaration in the name of his government.[5]

But shortly afterward, on October 9, 1823, in his conference with the French minister, Polignac, Canning made the declaration, also well known, "That the British government were of the opinion that any attempt to bring Spanish America again under its ancient submission to Spain must be utterly hopeless; . . . [and] that the junction of any foreign power in an enterprize of Spain against the colonies . . . [would be considered] a motive for recognizing the latter without delay."[6]

On the day following that on which the above declaration was made, Canning instructed a commission, composed of Hervey, O'Gorman, and Ward, to go to Mexico and, if certain prescribed conditions should be found to exist there, invite that government to send a representative to England to arrange for the

[5] For Canning's proposals see Moore, Digest of International Law, VI, 386–392; or Chadwick, United States and Spain, Diplomacy, 187–189; or any careful study of the evolution of the Monroe Doctrine.

[6] British and Foreign State Papers, XI, 49–51; Paxson, Independence of the South American Republics, 206.

interchange of diplomatic missions. They were to make it clear "that so far is Great Britain from looking to any more intimate connection with any of the late Spanish provinces than that of friendly political and commercial intercourse, that His Majesty could not be induced by any consideration to enter into any engagement which might be considered as bringing them under his dominion. Neither, on the other hand, would His Majesty consent to see them (in the event of their final separation from Spain) brought under the dominion of any other power."[7] If a disposition should be found to establish a monarchical government under a Spanish prince the commissioners were to encourage it; but they were "not to attempt to prescribe to the Mexican authorities this, or any particular course of action."[8]

This pledge that England would not take any of the former Spanish colonies for herself nor consent to any other power's taking them was of immense value to Mexico. It was far more positive than the Monroe declaration, and was clearly disinterested, which that was not. It should be noticed that these instructions were given some two months before President Monroe's message was published. Not only

[7] Quoted by Paxson, Independence of the South American Republics, 210, citing a Foreign Office manuscript. Migoni to Alaman, 9 de octubre de 1823, La Diplomacia Mexicana, II, 168, told of the appointment of this commission and its preparation for departure.

[8] Further instructions to Mexican Commissioners, October 10, 1823, Paxson, Independence of the South American Republics, 211–213, citing Foreign Office manuscript.

was this more positive and disinterested, but the power and prestige of England left much less doubt of her ability to afford the protection thus pledged. This of course was not a public document; but its content was made known to the Mexican government.

In the same month of October, 1823, Torrens wrote that the government at Washington was being roused from its apathy by reports of England's opening relations with Mexico which might be to the disadvantage of the United States.[9] It was only a few days before Torrens wrote this letter that President Monroe had received Rush's despatches telling of the proposals by Canning for the joint declaration by England and the United States, mentioned above, and had asked the advice of Jefferson and Madison to guide him and his cabinet in replying to the English proposals. In spite of the fact that the two ex-presidents and most of the cabinet favored meeting the English advances and joining in the declaration, even at the expense of abandoning their hope of acquiring Cuba, Adams's determined stand for independent action prevailed. Late in November he wrote to Rush at length con-

[9] Torrens to Secretario, Filadelfia, 21 de octubre de 1823, La Diplomacia Mexicana, II, 45: "En la de 18, hai noticias por la vía de la Habana, que corroboran las del 14; y además lo que se dice de un agente que regresaba á Londres con ideas favorables respecto á la consolidación de nuestro Gobierno, y que suponían haber cocluído una negociación con México, hará que este Gobierno salga de la apatía y procure estrechar relaciones con nosotros, por temor de que los ingleses se adelanten y concluyan un tratado que les quite algunas ventajas en el comercio."

cerning Canning's proposals and concluded by declaring: "We believe, however, that for the most effectual accomplishment of the object, common to both governments, a perfect understanding with regard to it being established between them, it will be most advisable that they should act separately."[10] A few days later, in keeping with the determination of Adams, the so-called Monroe Doctrine was proclaimed to the world in the President's message to Congress.

Thus while England was privately renouncing any selfish intentions and generously pledging to Mexico (and other Spanish-American states) her protection against any power except Spain, the United States was refusing to join with England in publicly proclaiming similar principles. Furthermore the reason that Adams refrained from joining in the self-denying declaration was that he did not want to pledge the United States against acquiring Spanish-American territory if the opportunity should later present itself. The motives underlying the policy of the United States could not have been certainly known in Mexico; but

[10] Adams to Rush, November 29, 1823, MS., Department of State, Instructions, X, 120. Another letter from Adams to Rush written the same day contains virtually the same declaration as the so-called Monroe Doctrine. Ibid., 125. Adams to James Brown, minister to Paris, December 23, 1823, ibid., 150, instructs the latter to be guided by the President's message to Congress at the beginning of the session in all of his communications with the French court concerning Spain and the Spanish-American countries. For the influence of Canning's proposals on the Cuban policy of the Washington cabinet, see the chapter on Cuba Saved to Spain, below.

it was strongly suspected at the time that they were selfish; and subsequent events unfortunately tended to confirm the suspicion. It is not improbable that the Mexican officials were privately informed of Canning's offer to join the United States in the declaration of principles and of Adams's refusal to accede to the proposal. In view of Torrens's suggestion only a few weeks before that England's advances toward Mexico were rousing the Washington government from its apathy, it is quite possible that the Mexican officials looked upon the declaration of Monroe's message as a result of England's friendship, and as an effort on the part of the United States to snatch from England some of the benefits of that friendship.

The British commission consisting of Hervey, O'Gorman, and Ward, whom Canning had instructed on October 10, 1823, reached Mexico just before the end of the year.[11] The commissioners were too enthusiastic in their efforts to produce a favorable impression in Mexico concerning the attitude of England, and in their attempt to convince Canning that the Mexican government was stable. After only about three weeks they despatched a very favorable report, in spite of the fact that the serious Lobato revolt was then in progress. About a week later Hervey guaranteed a loan to carry the Mexican government over the crisis. When the report reached London, Canning rebuked the commission for sending it "not only

[11] Paxson, Independence of the South American Republics, 219; Bocanegra, Memorias, I, 288; Bancroft, History of Mexico, V, 50; Alaman, Historia de Méjico, V, 782.

'before you had allowed yourselves time to form a mature judgment,' but at 'a moment of public disturbance.'" And when he learned of the loan he recalled Hervey for guaranteeing it. Morier, who was sent to supersede Hervey as head of the commission, was told "'that you are sent to ascertain the fact of Mexican independence, not actively to promote it; and to form and report an opinion of the stability of the government, not to prescribe its form or attempt to influence its councils.'"[12]

But these rebukes were unknown to the Mexican people and the ultra-favorable acts of the commissioners were accepted as expressive of the sentiments of the British government. The gratitude of the Mexicans for the support which they felt they were receiving from England is shown by the fact that late in April, 1824, the question was considered by the executive and Congress whether the approaching birthday of the king of England should be publicly celebrated. It was decided that there should be no official demonstration on the occasion.[13]

In response to the invitation which the British commission was authorized to extend, Michelena was appointed on March 2, 1824, Mexican minister to London; and Rocafuerte, a native of Quito but a citizen

[12] Paxson, Independence of the South American Republics, 219, citing Foreign Office manuscripts: Canning to Hervey, April 23, 1824; same to same, July 20, 1824; and Canning to Morier, July 30, 1824.

[13] Secretario de Relaciones al Congreso, 21 de abril de 1824, MS., Relaciones Exteriores.

of Mexico, accompanied him as interpreter and secretary.[14] On May 1, 1824, they left Tampico; and they landed at Portsmouth on June 24. Iturbide had just left on his return to Mexico. The ex-emperor's act had shaken confidence and would retard England's recognition of Mexico, Michelena reported; but he said he would do all he could to counteract the unfavorable impression. He reported that public opinion was decidedly in favor of early recognition; and the government seemed to agree. On June 25 he addressed a note to Canning saying that as a result of the mission of Mr. Hervey the Mexican government had sent him in the same capacity and he asked that a day be appointed on which he might present his credentials.[15] Within less than a week Canning had received him with great friendliness, though without formally recognizing his government.[16]

Through the latter half of the year 1824 the Mexican representative had several conferences with Can-

[14] La Diplomacia Mexicana, III, 3–6, gives Michelena's credentials and instructions, dated March 2, 1824. For brief allusions to this mission see Bocanegra, Memorias, I, 296; Zavala, Ensayo Historico, I, 302; Alaman, Historia de Méjico, V, 782; Bancroft, History of Mexico, V, 51. La Llave had been appointed and resigned. See La Diplomacia Mexicana, II, 257–283.

[15] Michelena to Secretario, Londres, 26 de junio de 1824, enclosing Michelena to Canning, 25 de junio de 1824, MS., Relaciones Exteriores; La Diplomacia Mexicana, III, 18, 25.

[16] Canning to Michelena, Londres, 26 de junio de 1824, Michelena to Secretario, 27 de junio de 1824, and same to same, 3 de julio de 1824, MS., Relaciones Exteriores; La Diplomacia Mexicana, III, 24, 25, 27.

ning at which the most important matter discussed was the probability of Spain's accepting the mediation of England between herself and her former colonies, which mediation had been accepted by Mexico and had been urged upon Spain for many months but in vain. Formal recognition was delayed by England in the vain hope that Spain might be induced first to recognize her former colonies in return for special favors.[17]

Finally Canning's patience was exhausted by Spain's repeated delays, and at the very end of the year 1824 he wrote to inform the Spanish government of his resolution to recognize the new states.[18] On January 3, 1825, he announced his determination to the diplomatic corps in London. On the same day he sent instructions to Morier and Ward to guide them in negotiating a treaty with Mexico. This act constituted a recognition of the independence and sovereignty of the new government.[19]

[17] Numerous despatches between Michelena and the Mexican government in MS., Relaciones Exteriores; also in La Diplomacia Mexicana, III, 31–138.

[18] Temperley, Life of Canning, 187; Paxson, Independence of the South American Republics, 243, citing Foreign Office manuscript. Michelena to Secretario, 30 de diciembre de 1824, La Diplomacia Mexicana, III, 139, announced with triumph England's recognition: "El Ser Supremo que dirige la suerte de las naciones, ha visto el mérito y sacrificios de la nuestra; los apreció y decidió en nuestra favor la gran causa. Todo está acabado; la Inglaterra reconoce nuestra Independencia."

[19] Paxson, Independence of the South American Republics, 220, 224, citing Foreign Office manuscripts; Bocanegra, Me-

The Spanish government protested vigorously but without avail.[20] Equally futile were the remonstrances of the London representatives of the other European powers.[21] England's efforts to induce Spain to admit British mediation continued even after the new states were recognized. During the first half of 1825 several notes passed and several conferences were held between the British foreign office and the Mexican agents. But each time the report was that no progress had been made and that there was little prospect that Spain would ever consent to treat with her former colonies.[22]

morias, I, 376; Alaman, Historia de Méjico, V, 815; Zamacois, Historia de Méjico, XI, 608. The last two give January 1 as the date of Canning's announcement to the diplomatic corps.

[20] Canning to Los Rios, 25 de marzo de 1825, MS., Relaciones Exteriores. This is a long memorial, of which the transcript covers nine typewritten pages, replying to an official note of Zea, the Spanish foreign minister, of January 21, 1825, protesting against English recognition. It reviews the relations between England and Spain since the beginning of the French Revolution, and especially since 1809, refuting Zea's charges that England was violating treaties and national rights in recognizing the American states. Canning justifies England's conduct. There is an abstract of the Zea and Canning notes enclosed with Poinsett to Clay, September 25, 1825, MS., Department of State, Despatches from Mexico, I. The memorial of Canning is in Annual Register, LXVII, part two, 51. See also Paxson, Independence of the South American Republics, 244–247.

[21] Paxson, Independence of the South American Republics, 247–250.

[22] Michelena to Secretario, Londres, 6 de febrero de 1825; same to same, 6 de marzo de 1825, enclosing a memorandum of a conference between Michelena and Planta, Canning's

Morier, who had been appointed to supersede Hervey and had received his instructions from Canning late in July, 1824,[23] had found an enthusiastic welcome awaiting him. On November 17, 1824, the Mexican government had reported to its agent in London that Morier had reached Jalapa and that the proper steps had been taken to receive him with fitting splendor.[24] Early in January, 1825, the minister for foreign relations, Alaman, in his report to the Mexican Congress on foreign affairs dwelt on the value to Mexico of England's friendship. Concerning the danger of European intervention in 1823, he said: "England, in reply to the invitation of the minister of king Ferdinand, declined attending the proposed congress; and, in papers presented by the English Ministry to the

secretary, of 4 de marzo de 1825; Canning to Michelena and Rocafuerte, May 20, 1825, inviting them to a conference; Memorandum of the conference of Michelena and Rocafuerte with Canning and Planta, 21 de mayo de 1825; MS., Relaciones Exteriores; and same in La Diplomacia Mexicana, III, 154, 160, 169, 180, 182.

Shortly after this, Michelena received instructions to leave Rocafuerte as chargé in London and return home to represent his government in the approaching congress at Panama. [Secretario] to Michelena, Mexico, 2 de abril de 1825, MS., Relaciones Exteriores; La Diplomacia Mexicana, III, 176.

[23] Canning to Morier, July 30, 1824, Paxson, Independence of the South American Republics, 220, citing Foreign Office manuscript.

[24] [Secretario] to Michelena, 17 de noviembre de 1824, MS., Relaciones Exteriores, says: "El S^{or} Morier está ya en Jalapa y el Govierno ha tomado ya las medidas convenientes p^{a} proporcionarle q^{to} pueda necesitar y recibirlo con el decoro y esplendor q^{e} corresponde. El S^{or} Harbey [Hervey] saldrá de aqui para esa corte dentro de 6 á 8 dias."

Parliament, which were published, she frankly disclosed the liberal principles which were to guide her conduct. Without refusing to recognize our independence, England desired that Spain should first take the important step, indicating, at the same time, that she would not long wait the tardy policy of the Cabinet of Madrid; and she frankly declared that she could not suffer any power or league of powers, to interfere with an armed force as the auxiliary of Spain, in the questions pending between her and her colonies. . . . A minister plenipotentiary was appointed to the government of His Britannic Majesty so soon as its friendly dispositions were known; . . . The diplomatic agents from that government have been received and regarded with the consideration due to a nation which was the first among those of Europe to open relations of friendship and good correspondence with the republic."[25]

[25] British and Foreign State Papers, XII. 984. 985. Some light is cast on Alaman's notion of the relative value to Mexico of the friendship of England and of the United States by noticing the attention which he gives to each in this report. Not more than half as much space is devoted to the latter as to the former; and there is a marked difference in the enthusiasm. Just following the statement concerning England's declaration against the interference of any power or league of powers to assist Spain against her colonies, he says: "The determination of the president of the United States of America, announced in his message to the last congress, was of a similar character." And further on he says: "The friendship that has subsisted with the United States of America, since the declaration of independence, has not been interrupted. That government has appointed a minister plenipotentiary to reside near this republic; and the delay of his arrival has had

When Canning's instructions of January 3, 1825, reached Morier and Ward, they at once entered upon negotiations which resulted in a treaty signed on April 6. In accord with the friendly attitude hitherto maintained by the British commissioners, this treaty included provisions decidedly favorable to Mexico. Speaking of the privileges therein provided for Mexican shipping interests, the Mexican foreign office declared to its agent in London that a thousand advantages had been gained.[26] It was so favorable to

no connection with [effect upon?] the friendly relations that unite the two states. Don Pablo Obregon has been sent by this republic to that government with a similar rank, and, according to official communications, he has been received and recognized by the president at Washington."

[26] [Secretario] to Rocafuerte, 7 de junio de 1825, MS., Relaciones Exteriores. The statement is as follows: "un articulo espreso del tratado, en el que se lograron mil ventajas que probablemente no hubieran podido conseguirse por una declaracion espontanea de esa Gob°."

For the text of the treaty both in Spanish and English, see Mexico, Tratados y Convenciones, II, 307–321. For brief comments on it, see Bocanegra, Memorias, I, 377; Alaman, Historia de Méjico, V, 815; Zamacois, Historia de Méjico, XI, 608; Zavala, Ensayo Historico, I, 321–330; Bancroft, History of Mexico, V, 51.

In spite of the recommendation to Congress that the treaty should be kept secret it had been published. The responsibility for its publication, it was said, could not be located. Rocafuerte in London was notified of this so that he might be able to explain to the English government that the publication could not be prevented. Secretario to Rocafuerte, 25 de mayo de 1825, MS., Relaciones Exteriores. It was later charged that the writer of this letter, Alaman, the negotiator of the treaty, was himself responsible for the publication. If so this letter was intended merely for a blind.

Mexico, indeed, and so at variance with the practices of England that it could not be accepted. "It is not to be expected," wrote Canning with exasperation as he rejected the whole treaty and ordered the negotiation of a new one, "that we will abandon 'for the sake of this new connexion, principles which we never have conceded, in our intercourse with other states, whether of the old world or the new, either to considerations of friendship, or to menaces of hostility.'"[27] It was late in the year before news of Canning's rejection of the treaty reached Mexico.

Thus it is seen that during the first few months of Poinsett's stay in Mexico the popularity of England in that country was at the flood tide, and Mexican gratitude for England's friendship was unbounded. It is not at all strange that President Victoria should have valued England's friendship more highly than that of the United States, or that his address on the occasion of the formal reception of the British chargé should have been more enthusiastic than his reply to Poinsett's speech on the following day. This would have been but natural even if the United States had been officially represented at the Mexican capital as early and as continuousiy as England had been.

Not only was British influence in Mexico dominant when Poinsett arrived, but Canning was consciously and intentionally exerting it to counteract that of the United States. A memorandum which was consid-

[27] Paxson, Independence of the South-American Republics, 220, quoting from Canning to Ward, September 9, 1825, and citing Foreign Office manuscripts.

ered by a cabinet meeting in December, 1824, and which seems to have been inspired by Canning, makes this certain if the document can be accepted as genuine, which seems probable. This, it will be remembered, was only a few days before the policy of British recognition was announced. Speaking of two motives for recognizing Mexico and Colombia, of which one was the investment there of English capital, the memorandum continues: "The other and perhaps still more powerful motive is my apprehension of the ambition and the ascendancy of the U[nited] S[tates] of Am[erica]: It is obviously the policy of that Gov[ernmen]t to connect itself with all the powers of America in a general Transatlantic League, of which it would have the sole direction. I need only say how inconvenient such an ascendancy may be in time of peace, and how formidable in case of war.

"I believe we now have the opportunity (but it may not last long) of opposing a powerful barrier to the influence of the U[nited] S[tates] by an amicable connection with Mexico, which from its position must be either subservient to or jealous of the U[nited] S[tates]. In point of population and resources it is at least equal to all the rest of the Spanish colonies; and may naturally expect to take the lead in its connections with the powers of Europe. I by no means think it at present necessary to go beyond the relations of amity and commercial intercourse; but if we hesitate much longer, and especially if our commercial treaty [July 23, 1824] with Buenos Ayres should

not take effect, all the new states will be led to conclude that we regret their friendship upon principle, as of a dangerous and revolutionary character, and will be driven to throw themselves under the protection of the U[nited] S[tates], as the only means of security."[28]

After the policy of recognition had been announced and the instructions for negotiating the treaties had been despatched, Canning declared in a letter of January 8, 1825: "The thing is done. . . . The Yankees will shout in triumph; but it is they who lose most by our decision. The great danger of the time—a danger which the policy of the European system would have fostered, was a division of the World into European and American, Republican and Monarchical; a league of worn-out Gov[ernmen]ts, on the one hand, and of youthful and stirring nations, with the U[nited] States at their head, on the other. *We* slip in between; and plant ourselves in Mexico. The Un[ited] States have gotten the start of us in vain; and we link

[28] Temperley, "Later American Policy of George Canning," American Historical Review, XI, 781, citing British Museum manuscripts. He says of this, on page 780, "It is the memorandum 'which enabled us to carry Colombia too [as well as Mexico] at the Cabinet,'" and cites Canning to Granville, December 17, 1824.

Temperley explains, page 779, "The object of the present article is to show that the later American policy of George Canning was intended to defeat certain claims and pretensions of the Monroe Doctrine. These were the principles which forbade future colonization in America to European powers, and the principle which tended to make America a separate world from Europe."

once more America to Europe. Six months more—and the mischief would have been done."[29]

Canning's opposition to the United States was shown not only in his Mexican policy, but also in his dealings with the assembled representatives of the American states at Panama in 1826. In instructing the representative whom England had been invited to send to that congress Canning said: "You will understand that to a league among the states, lately colonies of Spain, limited to objects growing out of their common relations to Spain, H[is] M[ajesty']s Gov[ernmen]t would not object. But any project for putting the U[nited] S[tates] of North America at the head of an American Confederacy, as against Europe, would be highly displeasing to your Gov[ernmen]t. It would be felt as an ill return for the service which has been rendered to those states, and the dangers which have been averted from them, by the countenance and friendship, and public declarations of Great Britain; and it would too probably at no very distant period endanger the peace both of America and Europe."[30]

Although Poinsett could not have known in 1825 exactly what England's policy was, nor the steps

[29] Temperley, American Historical Review, XI, 781, note, citing two places where the letter was already printed.

[30] Temperley, American Historical Review, XI, 787, citing Public Record Office manuscripts. For English opposition to the interests of the United States at the Panama conference, and especially to the policy of the United States concerning Cuba, see below, chapter on Cuba Saved to Spain, and footnote 101 to same chapter.

whereby she had gained a dominant influence in Mexico, yet he saw that the influence existed and felt that it was inimical to the United States. He believed that it was even more inimical to the interests of Mexico and of all free governments in America. In struggling to resist this influence he was not fighting windmills. Cambreleng's playful injunction written to him just as he was starting for his post, "Make a good commercial treaty for us and take care that John Bull gets no advantage of you—if anything get the weather gauge of him," must have seemed to him, when he received it just after his arrival, like the sound of a herald's trumpet summoning him to a genuine battle.[31] As soon as he landed on Mexican soil he scented the conflict and prepared for the fray.

In Poinsett's mind he early divided all Mexicans into two classes, those friendly to the American system championed by the United States, and those friendly to the European system championed by England. In a cipher paragraph of a letter to Clay of August 5, 1825, he said that the President of Mexico was a weak man and was controlled by his ministers, especially the secretary of state and secretary of the treasury. The former (Alaman), he declared, was a man of good natural talents and better educated than is common among men of his class in Mexico. He was director of an English mining company and consequently favored British interests. The latter (Esteva), he added, was a man of tolerable ability but

[31] See footnote 28 of the preceding chapter.

without education. He was attached to England because English men of means loaned the government money to help him out of his official difficulties. From this, English influence had profited enormously. These opinions, he said, were not the result of the treatment he had received, for that had been only the most friendly. On the other hand he added: "There is an American party in the House of Representatives and in the Senate, in point of talents much the strongest; but the government have an ascendency over both bodies."[32]

On September 24, Clay wrote, in reply to Poinsett's despatch of June 4,[33] that the prevalence of British influence in Mexico was to be regretted; but that it could hardly be made the subject of formal complaint if it were merely the effect of British power and British capital fairly exerted, and if not rewarded by favors to British commerce or British subjects to the prejudice of American. But, he added, against any partiality or preference to any foreign nation to the disadvantage of the United States Poinsett was to remonstrate.[34]

[32] Poinsett to Clay, August 5, 1825, MS., Department of State, Despatches from Mexico, I. The brief paragraph quoted above telling of the American party appears in the copy of the letter in the volume of Duplicate Despatches from Poinsett but not in the regular volume.

[33] See the preceding chapter, and footnote 34 of the same.

[34] Clay to Poinsett, September 24, 1825, MS., Department of State, Instructions, X, 225. This paragraph is not contained in any of the printed extracts from this letter cited in note 20 of the chapter on Texas and the Boundary Issue, below.

Before this cautious advice could reach Mexico a sort of "palace revolution" had occurred. The strongest British sympathizers had left the cabinet and those who remained, as well as President Victoria, were entirely favorable to the United States. Poinsett was in high favor. How it happened is told in a letter to Clay of October 12, 1825, all in cipher and covering twelve pages. Poinsett began by telling how England had secured her overwhelming influence. He explained that in 1823, after the overthrow of Iturbide, Victoria had met the unofficial British agent, Dr. Mackie, who had proposed that Mexico should offer certain commercial privileges to Great Britain in return for British recognition; that a Mexican agent was thereupon sent to London to invite the English government to send commissioners to treat, hinting that they might expect privileges; that in response to this invitation the commissioners had come and had concluded a treaty; that Victoria thus considered the establishment of friendly relations with England his own work; and that a flattering personal letter from Canning had further bound Victoria to the English cause. Poinsett further said that the English commissioners had won over Tornel, the President's secretary, whom he called "a vain and venal man," and further on, "a very bad man without a single redeeming quality," and believed "to be in the pay of the British chargé d'affaires." Tornel exercised a

This letter of Clay's was written before he had received Poinsett's of August 5, cited in note 32 of this chapter. That came to the State Department on October 3.

great influence over Victoria. So did Alaman, the secretary of state, and Esteva, of the treasury. These three had concocted a scheme to introduce into the cabinet the Bishop of Puebla, a European Spaniard, whose influence was dangerous to these countries; but counter influence prevented the appointment and set about an attempt to induce the president to dismiss Alaman. The British chargé, Ward, because of personal pique at Alaman, exerted his influence to the same end. Alaman, learning of the combination against him, resigned. Then came the "revolution." Esteva had already deserted Alaman and, Poinsett continued, "hastened to assure me of his earnest desire to see our countries united and an American system formed on the principles he knew I had at heart. . . . Esteva is a man of great activity and of some talents; he came over to the American party only because he perceived the impossibility of sustaining himself independently of it." Victoria's attitude also suddenly changed. Of him Poinsett said, "The President sent me word that he wished to have an interview with me, and notwithstanding I requested him to appoint a time convenient to him to receive me, he insisted on coming to me. Our interview was very friendly and in the course of it he gave me repeated assurances of regard for the United States and of his American sentiments. The President is a very good man with no bad dispositions, but he is very vain and is badly surrounded."

It had been suggested to Poinsett that Victoria's

attachment to England sprang from a hope that Great Britain might assist in placing a Mexican on the throne of Mexico to prevent other powers of Europe from placing a member of some of their royal houses on the throne. Poinsett thought the President was unwilling to leave office; but the constitution forbade his reelection, which under the circumstances was a dangerous provision. He declared that Victoria was not and never would be a real friend to the United States. He had become reconciled to Poinsett but disliked him. The man who had told Poinsett of Victoria's dynastic ambition and had been most influential in ousting Alaman and effecting this change in the sentiments of the executive was Arispe, a daring and intriguing man of talents professing a zeal for America and declaring himself anxious to promote Poinsett's views. He had been useful but Poinsett did not repose entire confidence in him. Neither did he feel any confidence in Esteva, for, he said, "on the very day that he declared himself to me he told the grossest falsehoods of me to Mr. Ward, which occasioned in great measure the difference between that gentleman and myself. The state of society here is scarcely to be credited. I hardly know a man however high his rank or office whose word can be relied on." Poinsett declared that he would have kept aloof from such men, but he had found it necessary to form a party out of such elements as the country afforded, or leave the English complete masters of the field. The friends of the

latter country were alarmed, and could not conceal their mortification or fears. Ward had sent a messenger to Canning with most exaggerated accounts of Poinsett's influence. The latter added, "His want of tact and overwrought exertions may contribute to establish that influence he so much dreads." In conclusion Poinsett explained that "the country is tranquil and I see no cause to fear any convulsion except that in a republic without virtue and with a large standing army there is always danger."[35] This despatch was dated almost three weeks after the ministerial crisis had occurred.[36]

To counteract Ward's report to Canning, Poinsett had written to Rufus King, the United States minister in London, telling the circumstances that had occurred in order that King might be able to give any explanation that might be needed. In the letter to King he explained that Ward had been forming a European party, which activity had resulted in identifying Great Britain's policy with that of the other European powers.[37]

In his long cipher despatch to Clay, Poinsett practically claimed to have brought about this change in the government through the group of men which he

[35] Poinsett to Clay, October 12, 1825, all in cipher, covering twelve pages, MS., Department of State, Despatches from Mexico, I.

[36] Resignation of Alaman, 23 de septiembre de 1825, and acceptance of same, 27 de septiembre de 1825, MS., Relaciones Exteriores. Zavala, Ensayo Historico, I, 342.

[37] Poinsett to Rufus King, October 10, 1825, enclosed with Poinsett to Clay, October 12, 1825, cited in note 35, above.

alluded to as an American party. Its purpose was to resist the centralizing tendency and preserve and perpetuate the federal form of government, to which Poinsett was so strongly attached and which he believed was the only hope for preserving free government in Mexico. Four years later, in referring to his part in effecting this peaceable political revolution, Poinsett explained that the cordiality of the democratic party, his own principles, and the hostility of the aristocratic party all tended to cause him to seek his associates among the popular party. He believed that England was making efforts to obtain a dominant influence in Mexico as she had in Portugal. He believed too that this would be detrimental to the interests of the United States. Learning that the democratic party intended to effect a revolution by force to get control, he advised them to use the more moderate measures of organization, use of the franchise, and establishment of their own press. They took his advice and were eminently successful.[38]

Poinsett's dislike of Tornel, the President's secretary, reflected in his report of October 12, above, was heartily reciprocated by the latter. He did all he could to counteract Poinsett's influence at the time; and in a book which he published several years later he spoke of the minister's arrival as an ill-fated hour for the republic; reviewed his career and acknowledged his ability; told of his attracting to himself

[38] Poinsett to Secretary of State, March 10, 1829, MS., Department of State, Despatches from Mexico, IV.

little by little persons possessed of state secrets and from them organizing a party, exciting their natural animosities against their rivals; and characterized his conduct as unbecoming in a diplomat.[39] Alaman, too, was bitterly hostile toward Poinsett, as might have been expected, and later declared that Poinsett planned to remove the aristocratic influence from the government to substitute, not a democracy, for that was impossible in a country in which the mass of the people took no part in public affairs, but the uncontrolled domination of a few ambitious individuals of less respectable connections.[40] The testimony of both of these is decidedly prejudiced, but it expresses a feeling that later became almost universal. And although Poinsett did what he felt was for the good of the country it must be admitted that from the standpoint of Tornel, Alaman, and others of their faction there was some justification for their violent hostility to him, even if there were no other ground on which to base their charge that he meddled in Mexican internal affairs than Poinsett's own account studied above of the way in which the change in the government was effected. On the other hand it is certain that Poinsett's belief was not unfounded that England was trying to exert an influence hostile to the American system which had been enunciated by Monroe and was now championed by Adams

[39] Tornel, Breve Reseña Historico, 38.
[40] Alaman, Historia de Méjico, V, 823.

and Clay and accepted by Poinsett as the guiding principle of the relations of the American states.[41]

The influence which Poinsett was so pleased to see in control of affairs remained dominant. Some three months later he reported to Clay that the executive had openly avowed a change in policy from the centralista party to the federalista. Poinsett's agency in bringing about the change, he said, had drawn upon him the odium of the centralistas. They were declaring, he continued, his purpose to be to gain such influence that the government would consent to any proposal he might make regarding limits.[42] There was probably little if any truth in the assertion; but if he was trying to do so events proved that he failed signally in this purpose.[43] What he really did toward bringing about this change was known only to the few most intimately concerned in keeping it secret. Some things, however, became known, for, as he said in another connection, "there are no secrets in Mexico." The uninitiated naturally suspected much more than existed, hence the criticisms and attacks that shortly began so seriously to embarrass Poinsett.

The displacement of English sympathizers in the Mexican ministry by what Poinsett called an Amer-

[41] Much interesting light remains to be cast on this matter of the conflicting interests of England and the United States at the Mexican capital and the conflicting intrigues of Poinsett and Ward, by a careful study of Ward's correspondence with his government while chargé in Mexico.

[42] Poinsett to Clay, January 4, 1826, MS., Department of State, Despatches from Mexico, I.

[43] See below, chapter on Texas and the Boundary Issue.

ican party had nothing to do with England's rejection of the Mexican treaty. The conferences at which Canning declared the treaty inadmissible occurred late in July, 1825; and the change in the Mexican ministry did not take place until late in September. It is probable that news of the rejection of the treaty reached Mexico about the time of the cabinet upheaval; but this is not certain.[44] If it did, it doubtless had much to do with the sudden change from sympathy with England to sympathy with the United States.

The messengers from Mexico bearing the treaty reached London July 16. On July 27 at a conference which Rocafuerte had with Canning and two other British officials the treaty was discussed at length. At the close of the conference Canning declared that the seventh and eighth articles would have to be radically changed, or the treaty would have to be rejected. Rocafuerte did not have sufficient author-

[44] Rocafuerte to Secretario, 21 de julio de 1825, announcing the arrival at London of the messengers with the treaty bears a marginal note indicating that a reply to it was sent 29 de septiembre. There is nothing to indicate how long it had been in the office before the reply was sent. Neither is there anything to indicate the date of the receipt at Mexico of Rocafuerte to Secretario, 2 de agosto de 1825, telling of the rejection of the treaty. But it was probably late in September or early in October. MS., Relaciones Exteriores.

Alaman's resignation was accepted on September 27. See above, note 36. The reorganization of the cabinet in favor of the American party took place between this and October 12, the date of Poinsett's long cipher despatch telling about it. See above, note 35.

ity to make the necessary changes. The seventh provided that a ship should be considered Mexican if two thirds of its crew had been admitted into the service with the knowledge of the government. There was no requirement concerning citizenship. Article eight embodied the "flag shall cover the goods" principle which England had never admitted in her relations with any nation. Canning declared that, in case of war between England and the United States (or any other power), by combining the privileges conceded to Mexico in the two articles in question, all enemy property could be carried in what were really enemy ships but had been transformed in a night into Mexican ships. This he declared would be too great an advantage for England's enemies. A clause stipulating that merchant vessels of either nation should under no circumstances be embargoed in ports of the other, without the payment of full indemnity, was also strenuously resisted.[45]

Morier, who with Ward had negotiated the treaty that was rejected, was sent back to Mexico with strict instructions to negotiate a new treaty which should not contain the objectionable clauses. He reached Mexico about the end of the year, 1825.[46] Until

[45] "Memorandum de una conferencia tenida en Londres el 27 de julio de 1825 entre los señores Ministros el Honorable S^or^ Jorge Canning, Ministro de Relaciones, el Señor Planta 1^er^ secretario del Ministro de Relaciones, el Huskisson, Ministro de la camara de comercio; y Don Vicente Rocafuerte," MS., Relaciones Exteriores.

[46] Poinsett to Clay, January 4, 1826, MS., Department of State, Despatches from Mexico, I.

about the middle of December Poinsett seems not to have learned of the rejection of the treaty in England.[47]

Neither England's rejection of the treaty nor the Mexican cabinet upheaval changed entirely the feeling of gratitude to England for the stand which that power had taken in supporting the interests of Mexico (and other new Spanish-American states) against the projects of Spain and the other reactionary European powers. On the first of January, 1826, President Victoria, in his speech at the opening of Congress, declared that the month of January of the year just closed was worthy of eternal commemoration because it was then that Great Britain had announced to the powers her intentions to recognize and enter into relations with the new American states, and thereby defeated the designs of the continental powers. He said: "Thus has been revealed the secret of their ulterior intentions, and they have been forced to confess that they renounced for the future all armed intervention in subjects relating to the insurgent Americans." He dwelt on the value to Mexico of this generous act of Great Britain, which was the more flattering because it met with the general approbation of the English nation. He then mentioned the exchange of diplomatic agents between Mexico and England and the arrival, two weeks earlier, of Morier who came to revise the treaty.[48]

[47] Poinsett to Clay, December 16, 1825, MS., Department of State, Despatches from Mexico, I.

[48] Victoria's message to Congress, January 1, 1825, enclosed

But to the great satisfaction of Poinsett, Victoria, after finishing his review of relations with European governments, continued: "With respect to the nations of the happy hemisphere of Columbus, justice and gratitude compel us to mention, before all others, the most ancient state of America, and the first of the civilized world which solemnly proclaimed our rights, after having preceded us in the heroic resolution of shaking off a dependence on the mother country. The United States of the North, models of political virtue and moral rectitude, have advanced under the system of a federative republic, which, having been adopted amongst us, by the most spontaneous act on record, exalts us to a level with the country of Washington, and establishes the most intimate union between the neighboring countries. A plenipotentiary from that nation accredited to our government is commissioned to conclude treaties which, without delay, shall be laid before your chambers. The most urgent point is the definitive regulation of the limits between the two nations; and the government is preparing surveys which will facilitate the conclusion of the negotiation on the unalterable bases of liberality and good faith."[49] This virtually announced the supremacy of the in-

with Poinsett to Clay, January 4, 1826, cited in note 46 above; also British and Foreign State Papers, XIII, 1067. Ibid., 1104, is a memorial of the Secretario de Relaciones to the Congress, some time in the month of January. It gives a brief account of relations with England during 1825. The same was enclosed with Poinsett to Clay, February 18, 1826, MS., Department of State, Despatches from Mexico, I.

[49] British and Foreign State Papers, XIII, 1069.

fluence favorable to the United States and also the government's change from the centralist to the federalist party. Had Poinsett dictated this portion of the message, as he might have done if he had wielded the influence which his enemies and those of the government suspected, he could hardly have worded it in more flattering terms. He could not now complain, as he had done seven months earlier, that Victoria's allusions to England were more enthusiastic than those to the United States.

The new negotiations for the treaty with England were conducted in profound secrecy, even the clerks of the foreign office not being permitted to copy or translate the protocols. They had not gone very far, however, when it became evident that no treaty could be made in keeping with the strict instructions which Morier bore. Consequently in March, 1826, he abandoned the attempt and returned to London, having insisted that one of the secretaries of the Mexican cabinet accompany or follow him with full power to conclude a treaty in London.[50]

Camacho, the secretary for foreign relations, was chosen. Poinsett wrote to Clay that the Mexican Senate did not want a secretary to go out of the country, and at first refused to ratify the appointment. But, he said, the British chargé declared that no one but a secretary would be acceptable, and "that by refusing to ratify the nomination of Camacho, the Senate would occasion a rupture between the two powers,

[50] Poinsett to Clay, February 1, 1826, MS., Department of State, Despatches from Mexico, I.

—conduct which could only be imputed to the secret influence of those who sought to divide the old world from the new, in order that they might govern the latter; meaning of course the United States." Camacho's appointment was finally ratified.[51] He went to London; and just before the end of the year 1826, a treaty was concluded which omitted the provisions objectionable to England. In the middle of 1827 the ratifications were exchanged. It was submitted to Congress and proclaimed to the nation on October 25, 1827.[52]

[51] Poinsett to Clay, April 8, 1826, MS., Department of State, Despatches from Mexico, I. For brief reviews of Camacho's mission and the treaty which he negotiated, see Zavala, Ensayo Historico, I, 360; Zamacois, Historia de Méjico, XI, 615; Bancroft, History of Mexico, V, 51.

[52] For the treaty both in English and Spanish, see British and Foreign State Papers, XIV, 614–629. For the submission to Congress and proclamation, see Coleccion de Ordenes y Decretos de la Soberana Junta y los Congresos, IV, 87.

CHAPTER IV

Cuba Saved to Spain

Before the Mexican cabinet changes had occurred which displaced English influence in Mexico by that of the United States, a serious international question had arisen which vitally affected the relations between the United States and Mexico, and the relations of each of these governments with England. It also influenced the relations of all three of these powers with other governments of both America and Europe. That question was, what would become of Cuba and Porto Rico in case Spain should lose her feeble hold on them, which seemed certain to occur.

All of the possessions of Spain on the continents of North and South America were irrevocably lost. Every one expected a change of some kind in the relations between Spain and her only remaining American possessions, these two important West India islands. Each government concerned feared that the change might be adverse to its interests. The following are some of the questions that were in the minds of statesmen concerning the islands: Would they be ceded to France in return for French support of Spanish absolutism? Would they be given to England to purchase that government's assistance in freeing Spain from French domination? Would they be revolution-

ized and annexed by Colombia or Mexico, or held in joint control by them? Would the combined Spanish-American states soon to assemble in the conference at Panama unite in freeing them to become members of the federated states of the new world? Would they attempt to free themselves by their own unaided efforts? If so, could they remain free? If not, to whom would they appeal for assistance,—to their sister Spanish-American states, to the United States, or to England? Would the price of such assistance be absorption by the power which gave it?

"In 1825 the London Courier described Cuba as the 'Turkey of trans-Atlantic politics, tottering to her fall, and kept from falling by those who contend for the right of catching her in her descent.'"[1] The uncertainty and the wide-spread interest in the subject furnished an occasion for Clay just after he had taken charge of the State Department to engage in one of the most far-reaching and most interesting diplomatic games ever played by an American secretary of state. In order to appreciate fully the situation when he took control it is necessary to study briefly some of the

[1] Callahan, Cuba and International Relations, 140.

Temperley says: "Cuba has well been termed the 'Turkey of transatlantic politics,' for the destiny of Cuba was the problem which engaged the attention of all the diplomats of the age. . . . Thus arose a strange kind of triangular duel, France suspecting England and the United States, the United States suspecting England and France, England suspecting France and the United States." Temperley, "Later American Policy of George Canning," American Historical Review, XI, 789. And see Latané, United States and Spanish America, 89.

communications concerning Cuba that had passed in the two or three years preceding.

American statesmen had for some time been looking forward with confident expectancy to a time when Cuba should belong to the United States; but how and when the acquisition should be brought about no one attempted to foretell. The recent acquisition of Florida after more than a decade of agitation and negotiation made the addition of Cuba seem the next logical step. As early as 1809, when Napoleon seeming to be firmly established in Spain was expected to attempt to extend his system to the Spanish colonies, Jefferson, who had just retired from the presidency, wrote to Madison, his successor, that Napoleon would have to acquiesce in our seizure of the Floridas if we wished to take them, and would also, he thought, "consent to our receiving Cuba into our Union to prevent our aid to Mexico and the other provinces."[2] Similar sentiments were frequently expressed by many American public men during the following years of Spanish-American confusion.

In the autumn of 1822 the advisability of the early annexation of Cuba was discussed in the cabinet. A secret agent from Havana had tried to get assurance that Cuba would be admitted to the union in case she should declare her independence, as was contemplated, and should ask admission. "Calhoun expressed great anxiety to get Cuba as a part of the United States in

[2] Chadwick, United States and Spain, Diplomacy, 216; Latané, United States and Spanish America, 90–93.

order to avert the danger of its revolution by negroes, and its possession by the English—but as we were not then ready to risk a war with England, which the annexation of Cuba might have occasioned, he advised that the Havana overtures should be answered by persuading them for the present to adhere to Spain. He thought, however, that there could be no more objection to the acquisition of Cuba than to the purchase of Louisiana, and suggested that the matter should be made the subject of a communication to Congress." Adams, then secretary of state, opposed Calhoun's policy because of the danger of complications with England, which would probably result in British possession of Cuba. He "thought it best to advise nothing, but simply to say that the Executive was not competent to promise the Cubans admission into the Union, and that our relations to Spain would not allow us to encourage such a proposal—at the same time mentioning our friendly sentiments to Cuba, and the 'common interests which point to intimate connections between Cuba and the United States.'" The policy of Adams was adopted.[3] Early in the following year the

[3] Callahan, Cuba and International Relations, 124; Adams, Memoirs, VI, 70–72.

Forsyth to Adams, Madrid, November 20, 1822, told of fears that the Spanish government entertained of a Cuban independence movement being fostered in the United States. Same to same, December 13, 1822, told of Spanish reinforcements having been sent to the West Indies. Adams to Forsyth, December 17, 1822, told of suspicions that England was treating with Spain for Cuba, and asked him to obtain correct information on the subject, and if he should find it true to

Mexican minister, lately arrived at Washington, reported to his government that Cubans were in the United States to promote a union with this country, and that the proposition was very pleasing to the people of the republic.[4]

In returning from the visit which he had made to Mexico in the autumn of 1822, Poinsett spent a few days in Cuba in January, 1823. He gave a glowing report of the picturesqueness, fertility, and resources of the island. He said he had "never seen so much shipping and such an appearance of business, in any port in the United States, except New York." He enlarged on the danger to the interests of the United States if any great maritime power should obtain possession of the island, saying it would tend to provoke a war with that power and at the same time give such power an advantage. He continued, "Cuba is not only the key to the Gulf of Mexico, but of all the maritime frontier south of Savannah, and some of our highest interests, political and commercial, are involved in its fate. We ought to be satisfied that it should remain dependent on Spain; or in good time be entirely independent of every foreign nation."[5]

declare that the United States wished Cuba to remain in its connection with Spain. House Executive Documents, 32 Congress, 1 session, number 121, pages 3–5.

[4] Zozaya to Secretario, 11 de enero de 1823, La Diplomacia Mexicana, I, 105.

[5] Poinsett, Notes on Mexico, 209–223. He gives statistics concerning the population showing the proportion of whites, free colored, and slaves; and discusses the fear of a servile revolt. He speculates on the probability of a revolution

When in 1823 French armies were again marching into Spain, commissioned this time by the European powers recently assembled in the Congress of Verona, it was apprehended that Cuba would probably be the price which France would exact for restoring Spanish absolutism. In case England should assist Spanish liberalism against France, Adams supposed that Cuba and Porto Rico would be England's reward. In his instructions to the American minister at Madrid on April 28, 1823, Adams declared: "Cuba, almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union. . . . In looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our federal republic will be indispensable to the continuance and integrity of the Union itself." He said the United States were not at the time prepared to take the island; "but there are laws of political as well as of physical gravitation, and if an apple, severed by the tempest from its native tree, cannot choose but to fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self support, can gravitate only toward the North American Union, which, by the same law of nature, cannot cast her off from its bosom." The minister was instructed to declare

against Spain and the possibility of an attack by Mexico and Colombia.

to the Spanish government the wish of his government "that Cuba and Puerto Rico may continue in connection with independent and constitutional Spain."[6]

A month before Adams sent the above instructions, the British minister in Washington wrote: "With respect to Cuba, an idea has gone abroad that Spain is to put us in possession of that island, and Clay and his friends in the West conceive that such an arrangement might interfere with the comfortable navigation of the Gulf of Mexico. The newspapers have taken up the question, and it is gravely debated among them whether the President ought or ought not to interfere to prevent so formidable an increase of British power."[7] In April there was submitted to George Canning a memoir relating to the advisability and feasibility of a seizure of Cuba by the British govern-

[6] Adams to Nelson, April 28, 1823, House Executive Documents, 32 Congress, 1 session, number 121, page 6; Chadwick, United States and Spain, Diplomacy, 183; Callahan, Cuba and International Relations, 129; Latané, United States and Spanish America, 97; McMaster, History of the People of the United States, V, 435.

[7] Stratford Canning to Bagot, March 30, 1823, in Bagot, George Canning and his Friends, II, 163.

The French minister, Neuville, had told Crawford, the secretary of the treasury, confidentially in June, 1822, that his government knew for a certainty that Great Britain had for two years been negotiating with Spain for Cuba, and had offered Gibraltar and a large sum of money. This was discussed in a cabinet meeting of November 28, 1822. Adams, Memoirs, VI, 112. Latané, United States and Spanish America, 93, discusses the attitude of England late in 1822 in view of the piracy in the West Indies.

ment in compensation for the increase in French prestige due to the contemplated invasion of Spain. The memorialist, in discussing "the ambition and aims of the United States, points out that the possession of Cuba would counterpoise the acquisition of the Floridas by the States, which enlargement of the dominion in itself menaced the British West Indies." He discusses the probability that the island would be seized by the United States, or be wrested by France under one pretext or another from the puppet government of Spain; and "wonders that Great Britain has not bestirred herself before." He enlarges on the value the islands would have for England and the ease from a military standpoint with which they could be seized. He then "sets out at full length all the arguments which morally and politically might be insisted upon to justify the annexation of Cuba by Great Britain."[8]

Concerning the Cuban situation Jefferson wrote to Monroe on June 11, 1823, that "he thought its possession by England would be a calamity and he suggested that if the United States could get England to join us in a guaranty of Cuba's independence against all the world except Spain it would be nearly as valuable to the United States as if she owned it." Monroe replied on June 30: "I have always concurred with you in the sentiment that too much importance could not be attached to that island, and that we ought if

[8] Colonel Evans to Canning, April 9, 1823, in E. J. Stapleton, Official Correspondence of George Canning, I, 116. This is the editor's condensed summary of Evans's memoranda. See also Latané, United States and Spanish America, 96.

possible to incorporate it into our Union, availing ourselves of the most favorable moment for it, hoping also that one would arise when it might be done without a rupture with Spain or any other power."[9] In October, 1823, Monroe asked Jefferson's advice concerning the reply that should be made to the well-known proposals which Canning had made to Rush during the preceding summer. The successful termination of the French invasion of Spain had precipitated the decision of Canning to throw the weight of England into the scale to prevent France and her allies from restoring to Spain her American colonies. Therefore he proposed in these conferences with Rush that England and the United States make the joint declaration of the principles on which they would act with reference to the new states. The principle which was of special interest with reference to Cuba was that in which Canning proposed that each power should declare that "it aimed not at the possession of any por-

[9] Callahan, Cuba and International Relations, 131.

On March 17, 1823, Monroe himself had proposed that the United States should offer to Great Britain to make a mutual pledge that neither power would take Cuba. Adams and Calhoun both opposed; but no conclusion was reached. Adams, Memoirs, VI, 138. On April 2 Calhoun declared that he was in favor of going to war, if necessary, to prevent Great Britain from taking Cuba, provided the islanders were united against England. Ibid., 139.

On learning that there were few in Cuba who favored England and many who favored the United States, Jefferson changed his mind about the joint guaranty and retracted his advice of June 11. See Latané, United States and Spanish America, 98.

tion of them."[10] In giving the advice which Monroe requested, Jefferson showed that he was reluctant to abandon his hope that Cuba might some time belong to the United States. He said, "I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of states." Yet, as he had advised in the preceding June, he added now, "I have no hesitation in abandoning my first wish to future chances, and accepting its independence, with peace and the friendship of England, rather than its association at the expense of war and her enmity. I could honestly, therefore, join in the declaration proposed." Madison, whose advice was also asked, agreed that Canning's propositions should be accepted; but he seemed to think that they would apply only to those former possessions of Spain that had already declared their independence. For he raised the question: "What is the extent of Mr. Canning's disclaimer as to 'the remaining possessions of Spain in America?' Does it exclude further views of acquiring Puerto Rico, etc., as well as Cuba?"[11] The adroit suggestion of Adams that he thought it would be better, since the two countries now understood each other, for each to enunciate its principles separately had its origin largely in his desire to avoid

[10] Moore, Digest of International Law, VI, 386–392; Temperley, Life of Canning, 179; Chadwick, United States and Spain, Diplomacy, 187; Callahan, Cuba and International Relations, 135; or any careful study of the evolution of the Monroe Doctrine. See also the chapter on British Influence in Mexico, above.

[11] Chadwick, United States and Spain, Diplomacy, 190–195.

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doing anything that would make it impossible to accept Cuba in case the "laws of political gravitation" should cast that island into the bosom of the United States. He said: "The object of Canning appears to have been to obtain some public pledge from the government of the United States, . . . against the acquisition to the United States themselves of any part of the Spanish-American possessions."[12]

Mexico was no less interested than the United States in the fate of Cuba. In this same month of October, 1823, Torrens, the Mexican chargé at Washington, wrote his government that he had learned through the minister from Colombia of the intention of that government soon to send an expedition to promote revolutionary movements in Cuba, to prevent that island's being used as a base of operations for Spanish attacks. Torrens expressed his belief that if Mexico would join Colombia they could together undertake the enterprise which perhaps would result in the liberty of the island and dislodge the Spaniards from their last stronghold.[13] One of the duties with which Obregon was charged when in 1824 he was sent as the new Mexican representative at Washington was to study movements going on in Cuba, learn the disposition of its inhabitants, endeavor to establish good relations

[12] Adams, Memoirs, VI, 177; Temperley, "Later American Policy of Canning," American Historical Review, XI, 790. For Adams's reply to Rush, see chapter on British Influence in Mexico, above.

[13] Torrens to Secretario, 13 de octubre de 1823, La Diplomacia Mexicana, II, 42.

with them, and encourage the party favoring independence.[14] At the same time, Torrens, who was being transferred from the post of Mexican chargé at Washington to a similar position at Bogotá, was also instructed to establish communications with the people of the island if he had opportunity, using every effort to encourage and strengthen the party which seemed to exist there favorable to union with Mexico. He was also to learn the views of Colombia and discover whether that country was maintaining relations with Cuba or was forming plans to foster movements favorable to a union of the island to its own dominions.[15] Before reaching his post Torrens reported from Carácas in January, 1825, that a "Habanero" who had accompanied him from Philadelphia had introduced him to others at Carácas who were on their way to solicit from Colombia the equipment of an expedition to assist in liberating their island. Torrens thought they would succeed, and had prepared to establish relations with the societies that should be formed to promote the independence of Cuba.[16] In May he reported that when he got to Bogotá he found a Cuban who had been there a year soliciting aid; but having failed to get the hoped for aid there the Cuban had now determined to approach Mexico, and would start

[14] Instrucciones mui reservadas de Obregon [30 de agosto de 1824], MS., Relaciones Exteriores.

[15] Instrucciones Reservadas de Torrens [30 de agosto de 1824], MS., Relaciones Exteriores.

[16] Torrens to Secretario, Carácas, 28 de enero de 1825, MS., Relaciones Exteriores.

for that country in a few days. Torrens had loaned him money for the journey and hoped the Mexican government would obtain large advantages through him.[17] On hearing of the triumphant conclusion of Bolivar's campaign in Peru and his defeat of the last Spanish army on the continent, the Mexican government supposed that the "Liberator" would now devote his entire strength to getting possession of Cuba and Porto Rico. The Mexican minister in London was told by his government that Mexico ought to take possession of Cuba herself if possible, or should at least see to it that the island should remain independent and prevent any neighboring nation from being aggrandized by the acquisition of so rich a possession. For this reason General Bustamante had been despatched as quickly as possible as a fully accredited minister to Bogotá to propose that Mexico and Colombia should unite their forces and operate in concert to make Cuba independent under their joint protection.[18]

Several months before Mexico had made this proposal, the British government suspected that such had been made; and Canning remarked to Michelena, the

[17] Torrens to Secretario, Bogotá, 10 de mayo de 1825, same to same, 20 de mayo de 1825, MS., Relaciones Exteriores. It is interesting to notice that the bearer of these despatches from Torrens was Basadre and that he was to go by way of Jamaica. It was Basadre who sent from Jamaica the sensational despatches concerning the French operations in the West Indies two months later, studied below in this chapter and in note 38.

[18] Secretario to Michelena, in cipher [? de marzo] de 1825, MS., Relaciones Exteriores.

Mexican envoy, that he had heard that Mexico and Colombia had combined their naval forces to operate against Cuba.[19] England had for more than a year been endeavoring to induce Spain to recognize the independence of her revolted possessions in America, offering as an inducement to guarantee to Spain the possession of Cuba, and urging that it would be well worth while to do so in order to prevent that island from falling into Yankee clutches.[20]

In a conference at the British Foreign Office in March, 1825, Michelena revealed more of the hopes and intentions of his government concerning Cuba than he was authorized to do. He stated several reasons why he thought Cuba would soon be liberated from Spain. The first was Spain's impotence to protect her islands from the scandal of piracy; the second was their great distance from the center of power; the third was the desire for independence aroused by the example of the new states on the continent; and the fourth was the spirit of liberalism carried to the island from the Peninsula. Its small population, he said, would not permit it to maintain complete independence. Mexico would like the opinion of Great Britain on the question whether that power would be willing to see it attached to some power on the continent. He declared that it was near Mexico by way of Yucatan; that it had always been dependent on

[19] Conference of 30 de noviembre de 1824, enclosed with Michelena to Secretario, Londres, 7 de diciembre de 1824, MS., Relaciones Exteriores; La Diplomacia Mexicana, III, 124.

[20] Temperley, Life of Canning, 184.

Mexico; that it might be considered a vast storehouse and dockyard provided by nature for Mexico; and that it was the key to the great gulf around which the Mexican people extended. For these reasons Mexico, he insisted, had the best right to Cuba in case it should be separated from Spain, an event which must be foreseen. He explained in conclusion that Mexico wished to put herself in accord with Great Britain in an affair of such transcendent importance.[21] When the government in Mexico received a copy of this communication they rebuked Michelena, saying it would have been better if he had not touched upon the subject, since he had announced pretentions and hopes which it would have been better to conceal until a more definite plan should be formed.[22]

Michelena's bold step had been inspired by news that he had received from Obregon in Washington telling of a bill that had been introduced in Congress for the suppression of piracy in the West Indies. Comments in newspapers, Obregon said, showed that the Anglo American people desired Cuba, or that they desired to see the island independent at least. He thought the suppression of piracy was only a pretext. Considering that this matter was likely to lead to war between Washington and Madrid and to the seizure of Cuba by the United States, and thinking that he ought to discover the attitude of the English govern-

[21] Michelena to Planta, 4 de marzo de 1825, MS., Relaciones Exteriores.

[22] Secretario to Rocafuerte, 7 de junio de 1825, MS., Relaciones Exteriores.

ment in such event, Michelena asked for and was granted the conference.[23] The government in Mexico had been equally panic-stricken by Obregon's reports of the congressional discussions and on their receipt wrote Michelena that the proposed action against the pirates was probably but an excuse for provoking hostilities with Spain in order to acquire the island.[24] After telling his government of Poinsett's appointment as United States minister to Mexico, Obregon said that Poinsett had introduced a proposal into Congress to promote the independence of Cuba as the surest means of exterminating piracy there. His proposition had not been accepted since the policy of the government was peace. The piracy bill had been passed but in a modified form, merely authorizing the President to increase the number of ships to protect American commerce. Thus, he said, had ended a matter which in the beginning had appeared to look toward the seizure of Cuba.[25]

[23] Michelena to Secretario, 6 de marzo de 1825, MS., Relaciones Exteriores; La Diplomacia Mexicana, III, 160. The conference occurred on March 2. On account of Canning's sickness Planta, his under secretary, represented him. Because of the great importance of the matter Planta asked for a memorandum which he could hand to Canning. The memorandum was given on March 4, as cited in note 21.

[24] Obregon to Secretario, 13 de enero de 1825, same to same, 10 de febrero de 1825, Secretario to Michelena, in cipher, [?] de marzo de 1825, MS., Relaciones Exteriores.

[25] Obregon to Secretario, 7 de marzo de 1825, MS., Relaciones Exteriores.

For the methods, the boldness, and the wealth of the Cuban pirates and the Spanish officials' tolerance of the outrage, see Poinsett, Notes on Mexico, 220.

From the foregoing discussion it is seen that the United States, Mexico, and England each feared at the beginning of 1825 that the others were planning to take Cuba. Each was determined if possible to prevent either of the others from getting Cuba. And each desired if possible to get Cuba itself. But each would rather see Cuba independent than in the possession of either of the others. France and Colombia were almost as much interested and as much feared as the other three. Spain was vitally concerned as the rightful possessor. Russia was soon to be drawn in as a disinterested umpire. Thus seven nations were involved in the negotiations that are studied in the following pages.

Shortly after Clay had taken up his duties as secretary of state the Washington government matured its plan with reference to Cuba. Before the end of the first month, in instructing Poinsett for the mission to Mexico, Clay said: "The United States have no desire to aggrandize themselves by the acquisition of Cuba. And yet if that island is to be made a dependency of any one of the American states, it is impossible not to allow that the law of its position proclaims that it should be attached to the United States." He thought if Spain would not make peace it was not unlikely that a combined effort would be made by Mexico and Colombia to seize the islands. The United States could not see this without apprehensions. From the point of view of productions, he argued, those powers could not want them; while to the United

States from that standpoint they would be very desirable. If they should pass under the domination of any European power except Spain the United States would have just cause for alarm. It would probably be best for all parties if Cuba were independent, provided she could maintain her independence. The United States, he continued, "are not disposed themselves to interfere with its present actual state; but they could not see with indifference any change that may be attempted in it." Poinsett was authorized to disclose frankly the feelings and interests of the United States if it should become necessary. He was to use every endeavor to learn the purpose of Mexico, and to keep a vigilant eye on every movement toward Cuba.[26]

Having taken this step to reveal to Mexico his policy, Clay next disclosed it to the parent country, endeavoring to use it to induce Spain to terminate the hopeless struggle and recognize the new American states. Everett, the new minister to Spain, was instructed, April 27, 1825, to approach that court in the most conciliatory manner possible; but to express the feeling of the United States that the cause of Spain in her former continental possessions in America was irretrievably lost, and that there was danger of her losing what she still feebly held in the Antilles if the war should continue. Clay declared that the armies

[26] Clay to Poinsett, March 26, 1825, MS., Department of State, Instructions, X, 225. This portion of Poinsett's instructions is not printed in the extracts in American State Papers, Foreign, V, 908, nor in the House Executive Documents, 25 congress, 1 session, number 42, page 5.

of the new states no longer had employment on the continent, but could not be disbanded so long as peace was not made. "And from the proximity and great value of Cuba and Porto Rico is it not to be anticipated that they will aim, and aim a successful blow too, at those Spanish islands? Whilst they could operate from without, means would doubtless be [employed] at the same time to stimulate the population within to revolt. And that the disposition exists among the inhabitants, to a considerable extent, to throw off the Spanish authority, is well known. It is due to the United States to declare that they have constantly declined to give any countenance to that disposition. . . . If the war should continue between Spain and the new republics, and those islands should become the object and the theatre of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the government of the United States duties and obligations, the performance of which, however painful it should be, they would not be at liberty to decline." If Mexico and Colombia should seize them, their navies, he argued, were not strong enough to hold them. The people of the islands were incapable of maintaining self-government. The result, should this country not interfere, would probably be that they would fall into the hands of some European power friendly to Spain. "As the views and policy of the United States in regard to those

islands may possibly have some influence, you are authorized frankly and fully to disclose them. The United States are satisfied with the present condition of those islands, in the hands of Spain, and with their ports open to our commerce as they are now open. This government desires no change of that condition." It was not for the sake of the new republics that the President wished to see the war terminated, since it would probably be to their interest to have it continue, but, he told Everett, for the sake of Spain, for the cause of humanity, and for the repose of the world.[27]

Clay was not satisfied with direct efforts alone to induce Mexico and Colombia to keep hands off Cuba, and to convince Spain that she ought to make peace to save Cuba. He endeavored to bring indirect pressure to bear upon the court of Madrid through those European powers which were supposed to exert a powerful influence on Spanish policy. He began with that power whose influence had for more than a decade been dominant in the councils of the reactionary states. On May 10, 1825, Henry Middleton, the minister to Russia, was given instructions for the purpose, which he was authorized to communicate to the court at St. Petersburg. They spoke in complimentary terms of Russia's influence on world affairs, of her disinterested position in the existing conflict between Spain and her former possessions, and of the emperor's

[27] Clay to Everett, April 27, 1825, MS., Department of State, Instructions, X, 302; extracts in American State Papers, Foreign, V, 866; British and Foreign State Papers, XIII, 430; Chadwick, United States and Spain, Diplomacy, 206.

great influence at Madrid; and asked him to employ that influence in a pacific mediation between Spain and the new American states. The philanthropic Clay appealed through his minister to the humanitarian instincts of the great Alexander. The latter was reminded of the great length of the conflict; of its inevitableness sooner or later had it not occurred when it did; of the fact that there was absolutely no hope that Spain would ever be able to recover control on the continent; and of the further fact that she was in imminent danger of losing her remaining possessions in the Antilles. It would be well worth while for Spain to sacrifice her pride and make peace in order to save these valuable islands. He was also reminded of the great international importance of and interest in Cuba, and was told that, "If peace should be longer deferred, and the war should take the probable direction which has been supposed, during its further progress other powers not now parties may be collaterally drawn into it. From much less considerable causes the peace of the world has been often disturbed. From the vicinity of Cuba to the United States, its valuable commerce, and the nature of its population, their government cannot be indifferent to any political change to which that island may be destined. Great Britain and France also have deep interests in its fortunes, which must keep them wide awake to all those changes. In short, what European state has not much at stake, direct or indirect, in the destiny, be it what it may, of the most valuable of the West India islands?

The reflection and the experience of the Emperor on the vicissitudes of war must have impressed him with the solemn duty of all governments to guard against even the distant approach of that most terrible of all scourges by every precaution with which human prudence and foresight can surround the repose and safety of states.

"Such is the view of the war between Spain and the new republics which the President desires you most earnestly, but respectfully, to present to his Imperial Majesty. From this view it is evident that it is not so much for the new states themselves as for Spain that peace has become absolutely necessary. Their independence of her, whatever intestine divisions may, if intestine divisions shall, yet unhappily await them, is fixed and irrevocable. She may, indeed, by a blind and fatal protraction of the war, yet lose more: gain, for her, is impossible. In becoming the advocate for peace one is the true advocate of Spain. If the Emperor shall, by his wisdom, enlighten the councils of Spain, and bring home to them a conviction of her real interests, there can be no fears of the success of his powerful interposition. You are authorized, in that spirit of the most perfect frankness and friendship which have ever characterized all the relations between Russia and the United States, to disclose, without reserve, the feelings and the wishes of the United States in respect to Cuba and Porto Rico. They are satisfied with the present condition of those islands, now open to the commerce and en-

terprise of their citizens. They desire for themselves no political change in them. If Cuba were to declare itself independent, the amount and the character of its population render it improbable that it could maintain its independence.

"Such a premature declaration might bring about a renewal of those shocking scenes of which a neighboring island was the afflicting theatre. There could be no effectual preventive of those scenes, but in the guaranty, and in a large resident force, of foreign powers. The terms of such guaranty, and the quotas which each should contribute of such force, would create perplexing questions of very difficult adjustment; to say nothing of the continual jealousies which would be in operation. In the state of possession which Spain has, there would be a ready acquiescence of those very foreign powers, all of whom would be put into angry activity upon the smallest prospect of a transfer of those islands. The United States could not, with indifference, see such a transfer to any European power. And if the new republics, or either of them, were to conquer them, their maritime force as it now is, or for a long time to come is likely to be, would keep up constant apprehensions of their safety. Nor is it believed that the new states desire, or will attempt, the acquisition, unless they shall be compelled in their own defence, to make it, by the unnecessary prolongation of the war. Acting on the policy which is here unfolded, the government of the United States, although they would have been justified to have seized

Cuba and Porto Rico, in the just protection of the lives and the commerce of their citizens, which have been a prey to infamous pirates finding succor and refuge in Spanish territory, have signally displayed their patience and moderation by a scrupulous respect of the sovereignty of Spain, who was herself bound, but has utterly failed, to repress those enormities.

"Finally the President cherishes the hope that the Emperor's devotion to peace, no less than his friendship for Spain, will induce him to lend the high authority of his name to the conclusion of a war the further prosecution of which must have the certain effect of an useless waste of human life." This remarkable despatch contained more than three thousand words. The above quotation includes about one fourth of it. Middleton was authorized to communicate it all at once or a little at a time as his judgment should dictate.[28]

The sentiments of the Russian government were not unknown to Clay and Adams. Many communications

[28] Clay to Middleton, May 10, 1825, MS., Department of State, Instructions, X, 331; MS., Relaciones Exteriores; American State Papers, Foreign, V, 846; British and Foreign State Papers, XIII, 403.

"To guard against any accident which might befall the original," a copy of this instruction of May 10 was mailed by separate conveyance a little more than a fortnight later. See Brent to Middleton, May 26, 1825, MS., Department of State, Instructions, X, 365.

The careful editor of the very interesting correspondence of the Russian Ministers in Washington, 1818 to 1825, states incorrectly that this despatch is not in the American State Papers. See American Historical Review, XVIII, 561.

had passed between the two governments during the years immediately preceding.[29] The Russian minister, to whom Middleton's instructions were shown a few days after they were written, "spoke in terms of high commendation of this measure, and said, without being able to anticipate what the Emperor's determination upon it may be, he is quite sure that it will be

[29] See Adams, Memoirs, VI, 191–222, passim; and "Correspondence of the Russian Minister in Washington, 1818–1825," American Historical Review, XVIII, 309–345, and 537–562. On November 9/21, 1818, ibid., 317, Nesselrode wrote from Aix-la-chapelle to Poletica in Washington: "Si donc, à Votre arrivée à Washington, le gouvernement Américain n'a point encore resolu la reconnaissance des Colonies Espagnoles insurgées, il Vous est trés-expressément recommandé de chercher à dissuader le Cabinet de Washington de cet acte d'hostilité envers l'Espagne."

On July 13/25, 1822, ibid., 342, Nesselrode wrote Baron Tuyll in Washington: "Si la connaissance du désir qu'aurait l'Empereur de voir cet état de paix se prolonger, pouvoit porter le Gouvernement des Etats-Unis à ne modifier en rien les dispositions qu'il a manifestées envers l'Espagne et à ne pas s'armer contre elle dans le lutte que soutiennent ses provinces d'Outre-mer, vous n'hésiteriez point à exprimer les voeux de Sa Majesté Impériale."

On December 2/14, 1822, ibid., 540, Nesselrode again wrote Tuyll: "Nous ne prétendons pas arrêter la marche de l'avenir; l'affranchisement de l'Amérique Méridionale est probable, il est imminent peut-être, mais, je le répète, c'était une raison de plus aux yeux de l'Empereur, pour souhaiter que Son Ministre engageât le gouvernement des Etats-Unis à suivre un système inoffensif à l'égard de l'Espagne." These communications show a desire to maintain peace, although in other respects they differ radically from the position of the United States. It is safe to assume that their spirit, at least, was made known to the government at Washington.

received and treated by him with great consideration, and as an act equally marked by moderation, candor, and friendly feeling towards him on the part of the United States. He said he was very desirous that there should be time for this measure to have its full effect," and asked Adams's consent for him to communicate it to the Russian ambassadors at Paris and London, hoping through them to exert some friendly influence at Madrid earlier than could be done through St. Petersburg to dissuade Spain from doing anything further to precipitate the apprehended attack by Mexico and Colombia. Adams consented, and conversed at length with the baron on the occasion for, the character of, and the motives for the proposed mediation.[30] In his conversations with Adams, Baron Tuyll seems to have gotten a more definite notion than Middleton's instructions gave of how far the interests of the United States might in certain contingencies carry them. At least Nesselrode understood Tuyll to report that Adams had declared that if Cuba and Porto Rico were to become the possession of any American power the United States might find it necessary to insist on being that power.[31] This is however no more than the despatch to Middleton darkly hints at. The instructions to Everett at Madrid contain a stronger hint at such a feeling; and those to Poinsett at Mexico openly suggest it.

On the day after he had written Middleton's instruc-

[30] Adams, Memoirs, VII, 8–10.

[31] Nesselrode to Tuyll, le 4 de septembre 1825, American Historical Review, XVIII, 562.

tions, Clay told Rufus King, who was just ready to set out on his second mission to the court of St. James, that the coincidence in the policy of the United States and England with reference to the war between Spain and the new states required frankness in our intercourse with that court. In this spirit he was to make known the desire of the President to see the war honorably terminated. He was told of the above instructions to Poinsett, Everett, and Middleton, and a copy of the last was enclosed. In concluding the brief note Clay said: "If Great Britain, and the other principal European powers, would heartily unite with the United States in these pacific endeavors, the President entertains the confident hope that a stop would be put to the further and unnecessary effusion of human blood."[32]

Two days later James Brown, the minister to the French court, was told that Poinsett and the other ministers to the new states had been instructed to use their best efforts to bring about peace between Spain and those states. "But it is in Europe more than in America that our efforts must be directed. And the strong ground to take is that peace is more necessary to Spain than to the new republics." He was told that Everett was to endeavor to convince Spain of such

[32] Clay to King, May 11, 1825, MS., Department of State, Instructions, X, 345.

Baron Tuyll's communications to the Russian ambassadors at London and Paris concerning the mediation were, at Adams's request, carried by King in order that the matter might first reach the English court through the United States minister. Adams, Memoirs, VII, 10.

necessity; Middleton was to enlist the sympathy and good offices of Russia; and King had similar instructions with reference to Great Britain. A copy of Middleton's instructions was enclosed, and Brown was requested to open the matter with the French government. In concluding this despatch, which was also brief, Clay said: "By a concerted system of action, direct and collateral on Spain, it is hoped that she may be made to see the necessity of peace. And great confidence would be placed in this hope, if Russia and France, the powers most likely to influence the councils of Spain, would lend their hearty cooperation."[33]

As a part of the concerted action being brought to bear on Spain, Clay mentioned in this letter to Brown the fact that, "Information has reached us that the local authorities of Cuba have petitioned the King of Spain to acknowledge the new republics and close the war." The Mexican minister in Washington had told his government the same on May 8. He said the ayuntamiento of Havana had some time before petitioned the Madrid government for reinforcements to enable them to hold the island; but now, fears having increased, that body had petitioned the parent government to recognize the independence of the continental states as the only means of saving the island. In explanation of the reason for these increasing fears Obregon said that the spirit of independence was increasing in the island because of the good order which they saw established in those continental states and

[33] Clay to James Brown, May 13, 1825, MS., Department of State, Instructions, X, 356.

the disorderly condition of affairs which the blunders of the Spanish government allowed to prevail in the island.[34]

Before Clay's efforts at combined mediation had time to produce any results a series of events occurred in the West Indies which caused him considerable anxiety and threw Mexico into a fever of excitement. These were connected with certain mysterious movements of French naval vessels which strengthened suspicions already existing of French intentions on Cuba. Since the beginning of the year reports had been coming from various sources that Spain was gathering reinforcements in the ports of the Peninsula to send to Havana for protecting and preserving order in the islands and operating from there against Mexco, Central America, and Colombia.[35] The fact that

[34] Obregon to Secretario, 8 de mayo de 1825, MS., Relaciones Exteriores.

[35] The Mexican minister in Washington wrote his government on February 2 that reports had reached him of two ships fitting out in Ferrol. Six days later he enclosed a clipping from the Washington Gazette saying that a frigate, three sloops of war, and several transports had already reached Havana from Spain, and others were coming to make an attack from there on Vera Cruz. On March 30 he told of the arrival of the new reinforcements in Cuba. In this letter he said he had offered rewards to Cuban exiles whom he was in touch with to induce them to burn the Spanish ships that had recently come. On July 11 he reported three thousand men on their way from Coruña to reinforce the garrison of San Juan de Ulúa in Vera Cruz harbor, the only remaining Spanish post in Mexico. Obregon to Secretario, 2 de febrero, 8 de febrero, 30 de marzo, 11 de junio de 1825, MS., Relaciones Exteriores.

reinforcements were coming, though learned with regret and fear, occasioned no surprise. But when certain transports reached Havana they were accompanied by a French war vessel. This was disquieting. Alaman, the foreign minister in Mexico, reported the fact to Rocafuerte, the chargé in London, saying that the transports had apparently come from the Canary islands without naval convoy, trusting in the protection of French ships to get to their destination. This was regarded as a violation of neutrality, since the troops were evidently directed against Mexico and Colombia. It looked to him like another bit of double dealing and bad faith similar to placing the cordon of French sanitary police along the Pyrenees before the invasion of Spain. Rocafuerte was asked to bring the matter to the attention of the English government and ask that cabinet to solicit an explanation from France.[36] Obregon writing from Washington of the matter said all that was certainly known was that the

Michelena reported from London that, in a conference of May 21, Canning had told him that the troops being collected at Coruña ostensibly for Peru were really going to Havana; and Michelena had replied that opinion in the island was becoming unfavorable to the Peninsula because of the unwise measures of the Madrid government. Rocafuerte wrote on July 9 that merchants of Cadiz and Havana had agreed to stand the cost of an expedition of 12,000 men against Panama or Mexico. One vessel had left Cadiz and three more were about to sail. Michelena to Secretario, 21 de marzo de 1825; Rocafuerte to Secretario, 9 de julio de 1825, MS., Relaciones Exteriores.

[36] Alaman to Rocafuerte, 1 de junio de 1825, MS., Relaciones Exteriores.

French vessel had pursued the same course at the same time and entered the harbor of Havana with the Spanish transports. In acknowledging and commenting on this, the despatch from the Mexican foreign office said there must have been a design in the meeting; and Obregon was asked to bring the matter to the attention of the United States government.[37]

Before any explanation of the above had been made another French movement in West Indian waters roused new and more serious suspicions. A Mexican agent in Jamaica reported to his government late in July that a French fleet of twenty-eight vessels had suddenly appeared at Martinique, and its movements were mysterious. A French ship had just brought to Santiago de Cuba the new Spanish governor. Some of the French ships had been seen off the island of Santo Domingo moving in the direction of Havana. He enclosed a clipping from a Jamaica paper saying that French troops had disembarked in Cuba.[38]

This startling news reached Mexico August 15, 1825. The next day Alaman hastened to show the correspondence to Ward, the British chargé, and then to Poinsett. Ward and Poinsett, whose relations had been harmonious up to this time, conferred regarding the matter, and the former talked with Presi-

[37] Obregon to Secretario, 2 de julio de 1825, and reply, 7 de septiembre de 1825, MS., Relaciones Exteriores.

[38] Basadre to [Secretario], Kingston, 24 de julio de 1825, and 27 de julio de 1825, MS., Relaciones Exteriores. See note 17, above.

Callahan, Cuba and International Relations, 142, discusses briefly the appearance of the French fleet in the West Indies.

dent Victoria. As a motive, Poinsett suggested to Alaman that possibly Spain had decided to cede the island to France rather than have it wrested from her through an independence movement encouraged from Mexico. To confirm his suspicion he alluded to the fact that a Cuban, who had visited Santa Anna in Yucatan some months earlier and had represented himself to be an agent of the Cuban patriots and suggested to Santa Anna the invasion of Cuba for which the latter immediately began preparations, was now back in Cuba and in favor with the Spanish authorities. Poinsett told Alaman that this might have been but a ruse to discover the intentions of Mexico, which, thus discovered, would doubtless be considered such "as would justify any measures Spain and France might think proper to take for its preservation."

In the hurried conferences mentioned above it was arranged that identical notes should be presented to Ward and Poinsett with reference to the matter. The notes declared that the President of Mexico saw in these movements of French war vessels an act hostile to the independent states of America; they referred to the declaration of President Monroe against the interference of any third power in the conflict between Spain and her former dominions; argued that this conduct of France was certainly such interference; and asked that each bring the matter to the attention of his government in order that his government might demand of France such explanations as the case required. Poinsett objected to the language

of the note in one particular as the note was originally drawn because, he said, it implied that the declaration of Monroe gave Mexico the right to demand that the United States should interfere on behalf of the new states. It was modified so as to remove the implication and the change was also indicated to Ward. Alaman had shown some hesitancy in making the notes to the governments of England and the United States identical. Ward and Poinsett appealed to President Victoria and were assured that the notes should be identical. He "expressed his dissatisfaction at the conduct of Mr. Alaman and declared that he himself was ignorant of the arrival of this important intelligence until he saw it published in the 'Sol.' Such conduct on the part of the Secretary is inexplicable and almost incredible."[39] This evidence of discord between the President and his chief adviser occurred six weeks before the latter's resignation, discussed in the preceding chapter.

The newspaper which had published the correspondence was owned, and presumably also edited, by Alaman. An editorial of the same day on which the correspondence was published (also the same on which

[39] Poinsett to Clay, August 17, 1825, and enclosures, Alaman to Poinsett, August 16, 1825, and Poinsett to Alaman, August 17, 1825, MS., Department of State, Despatches from Mexico, II; American State Papers, Foreign, VI, 364; British and Foreign State Papers, XIII, 995. And see also Poinsett to Clay, August 21, 1825, MS., Department of State, Despatches from Mexico, I; extracts are in American State Papers, Foreign, V, 909, and in British and Foreign State Papers, XIII, 488.

the hurried conferences occurred) had declared: "In our opinion this movement can have no other object than to cover the island of Cuba from the designs of the United States and from those attributed to Colombia and Mexico." On the same day Poinsett addressed a spirited note to Alaman protesting that in the editorial the designs of Colombia and Mexico were represented as hypothetical, while those of the United States were represented as positive. Poinsett declared that the United States never did entertain such designs and had disavowed all such; and asked Alaman to use his influence with the editor to have the mistaken impression corrected. Alaman's reply, also of the same day, promised, if possible, to have an article inserted in the next day's issue correcting public opinion on the matter.[40]

The alarm caused by these French movements in the West Indies proved happily to be a false one. When the explanations called for by England and the United States at Mexico's request were made it was affirmed that the convoying of the Spanish transports from Martinique to Havana by the French cruiser had been solely on the order and responsibility of the French commander at Martinique; and had been disavowed by the government and prohibited for the future.[41] Canning in writing to the British representa-

[40] Poinsett to Alaman, August 16, 1825; Alaman to Poinsett, August 16, 1825; and Poinsett to Clay, August 17, 1825, MS., Department of State, Duplicate Despatches from Poinsett.

[41] Rocafuerte to Secretario, 9 de agosto de 1825, saying that Canning had promised to question France, but that no expla-

tive at Paris said he hoped this explanation which Villèle and Damas had given was true; "But," he continued, "I confess I have my doubts, whether it was not (a prescribed I will not say) a permitted experiment, to see how far a French force might be incidentally and imperceptibly slipped into Havannah. Villèle ought to know that our eyes are open to the possibility of such a manœuvre. He ought to know, too, that we would not put up with it."[42]

The large French fleet whose movements had occasioned by far the greater alarm had gone to the West Indies, ostensibly, at least, to attend and solemnize the ceremonies connected with French recognition of the independence of Hayti. After performing that ceremony it had touched at Havana, then visited Norfolk, and sailed from there late in August, part of it returning to France and the rest to the naval station at Martinique.[43] The Spanish government declared to

nation had yet been given him; Obregon to Secretario, 18 de septiembre de 1825, enclosing Rocafuerte to Obregon, 12 de agosto de 1825, telling what the French government had declared to the English. All in MS., Relaciones Exteriores.

[42] Canning to Granville, June 21, 1825, in Stapleton, Official Correspondence of Canning, I, 376. This shows that the explanation had been asked and given long before the Mexican government's note of June 1, requesting such, could have been received. Before the French movement had occurred Canning had said: "I have some reason to believe that Polignac is instructed, or is disposed without instruction (I would not undertake to say which) to hint at the possibility of the occupation of the Havannah by France. That will never do." Ibid., 265.

[43] Obregon to Secretario, 18 de septiembre de 1825, MS., Relaciones Exteriores. The address of President Boyer of

Nelson, the retiring United States minister at Madrid, that "His Majesty has at no time thought of conceding to any power the islands of Cuba and Porto Rico, and, so far from such a purpose, is firmly determined to keep them under the dominion and authority of his legitimate sovereignty."[44] After the uncertainty concerning the French operations had been cleared up and the excitement had passed, Clay declared to the French government through Brown, the minister at Paris: "The President conceives it due to the friendly relations which happily subsist between the two nations, and to the frankness by which he wishes all their intercourse to be characterised, that the purpose of any similar movement hereafter, made in a season of peace should be communicated to this government. . . . The President cannot suppose a state of things in which either of the great maritime powers of Europe, with or without the consent of Spain, would feel itself justified to occupy, or attempt the occupation of Cuba or Porto Rico without the concurrence or at least the knowledge of the United States."[45] In

July 11, 1825, accepting the Ordinance of the King of France recognizing independence is in British and Foreign State Papers, XIII, 999. Temperley, "Later American Policy of Canning," American Historical Review, XI, 791, says the French fleet "came ostensibly to collect a debt from Hayti."

[44] Clay to Poinsett, September 24, 1825, MS., Department of State, Instructions, X; extracts from this letter not including this portion are in American State Papers, Foreign, VI, 581, and House Executive Documents, 25 congress, 1 session, number 42, page 7.

[45] Clay to James Brown, October 25, 1825, MS., Department of State, Instructions, X, 404; British and Foreign State Papers, XIII, 424.

carrying out these instructions Brown declared, as he was authorized to do, that the United States "could not consent to the occupation of those islands by any other European power than Spain, under any contingency whatever." The French minister admitted that the United States had a right to be informed of the reason for such a movement as that of the French fleet and said it was "a departure from the rule, but that, in future, the United States should be duly apprised of the objects of every such squadron sent into their vicinity."[46]

In the same letter in which Canning expressed his suspicions of the French explanation of the matter of the French convoy of Spanish troop ships, he stated positively England's policy with reference to Cuba, which was practically the same as that of the United States, namely, "As to Cuba, you cannot too soon, nor

The greatest interest attaching to this French movement in the West Indies so far as students of the history of the United States are concerned grows out of the fact that it furnished an opportunity for what is usually thought of as Clay's interpretation of the Monroe Doctrine. See Manning, "Statements, Interpretations, and Applications of the Monroe Doctrine from 1823 to 1845" in the Proceedings of the American Society of International Law for 1914, pages 34–59. See also below, the chapter on Negotiations for a Commercial Treaty and footnote 16 of that chapter.

In December Clay's letter to James Brown of October 25 was shown to the Mexican minister. Obregon to Secretario, 15 de diciembre de 1825. MS., Relaciones Exteriores.

[46] Brown to Damas, January 2, 1826, American State Papers, Foreign, V, 882; British and Foreign State Papers, XIII, 444. Brown to Clay, January 10, 1826, American State Papers, Foreign, V, 881; British and Foreign State Papers, XIII, 443.

too amicably, of course, represent to Villèle the impossibility of our allowing France (or France us, I presume), to meddle in the internal affairs of that colony. We sincerely wish it to remain with the mother country. Next to that I wish it independent, either singly or in connection with Mexico. But what cannot or must not be, is that any great maritime power should get possession of it. The Americans (Yankees, I mean) think of this matter just as I do."[47]

Canning assumed a cynical and suspicious attitude toward Clay's effort at combined mediation between Spain and her former possessions. After an interview on the subject he said he found King, the United States minister, "relying with a simpleness which appeared quite childish on the good sense of the continental powers, for the advice which they would give to Spain, and on the awakened good sense of Spain for listening to that advice when given. I set him right upon these points; on which if his government blunder as sincerely as he appears to do, there is perhaps no harm done beyond the loss of time, but if—

[47] Canning to Granville, June 21, 1825, in Stapleton, Official Correspondence of Canning, I, 276. Latané, United States and Spanish America, 101. See also Stapleton, A. G., Life of Canning, III, 142–150; and Temperley, "Later American Policy of Canning," American Historical Review, XI, 790, which says that Canning feared the United States more than France. Temperley, Life of Canning, 188, says that England's recognition of the Spanish-American states "restrained the pretensions of the Yankees, and preserved Cuba to Spain."

as the suspicion sometimes comes across me—this bonhomie is affected by the U[nited] S[tates] G[overnment] for the express purpose of being enabled to cry out and take a new line on the disappointment of their groundless expectations, why then the Yankees may be just the rogues that we have always hitherto taken them to be, but which I was willing to hope they might have resolved to be no longer."[48]

Fully persuaded that Clay's plan would fail, as a counter proposition he proposed that Great Britain, France, and the United States should unite in disclaiming any intentions on the islands, thus calming the fears of Spain and preparing her for receiving peace proposals. But as Adams had evaded the issue two years earlier when Canning tried to get the United States government to commit itself against the annexation of any former Spanish possessions, so Clay evaded it now. He replied through King that Canning's proposal was likely to defeat its avowed purpose and encourage Spain to continue the war since it would relieve her of the fear of seizure by any of these three powers. A few days later, after he had learned that France had refused to accede to Canning's proposal, Clay sent through King a copy of the letter of October 25 to Brown at Paris warning the French government that the United States "could not consent to the occupation of those islands by any other European power than Spain"; and said if Great Britain

[48] Canning to Liverpool, August 6, 1825, in Stapleton, Official Correspondence of Canning, I, 283.

should direct her ambassador at Paris to protest in like manner nothing more would be necessary.[49]

When the excitement concerning the movements of the French fleet was at its height Clay took steps to reveal to Mexico the efforts he had begun some months earlier to induce Russia, France, and England to bring pressure to bear on Spain to prevail on her to acknowledge the independence of her former continental possessions in order to save the islands. At a conference early in August he read to the Mexican minister portions of the instructions which he had sent for the purpose to the American ministers to those three courts;[50] and in September he sent to Poinsett in Mexico a copy of the instructions to Middleton given May 10, authorizing him to communicate it to the Mexican cabinet.[51]

Cubans who desired to revolutionize the island and join it to the United States had come to Baltimore

[49] Clay to King, October 17, 1825, MS., Department of State, Instructions, X, 394; and same to same, October 26, 1825, ibid., 405.

For Canning's proposal see also Latané, United States and Spanish America, 101; and Callahan, Cuba and International Relations, 147–151. On page 152 this last writer says that Canning, on receipt of Clay's suggestion that England should declare to France her unwillingness to see Cuba pass to any other European power than Spain, declared that he had already stated to France practically the same thing in the previous July, and so there was no reason now for repeating it at someone else's suggestion.

[50] Obregon to Secretario, 8 de agosto de 1825, MS., Relaciones Exteriores.

[51] Clay to Poinsett, September 24, 1825, as cited in note 44.

during this same exciting summer and solicited aid from the United States, ostensibly for suppressing an apprehended slave insurrection. According to Obregon's report the Cubans were given to understand that the government of the United States would not violate its neutrality by assisting a revolt; but that the island would be received if it should become independent and offer itself. Obregon added that if the island should be taken by the United States thus it would have to be at the cost of a war with England and probably with France.

At the same time Cuban revolutionary agents were operating in Mexico. On July 5 President Victoria had been informed by eleven natives of Cuba that they had determined to form an association named a "Junta for the promotion of Cuban Liberty," to be composed of Cubans resident in Mexico and of Mexicans desiring the liberty of Cuba. They wished his approbation. In reply they were told that the president saw with satisfaction their efforts for the liberty of their country; but that he could not authorize the formation of the junta since that fell under the jurisdiction of the government of the Federal District. The matter was taken up with the local authorities, and after some deliberation the organization was authorized. It was effected on the very day on which the news of the appearance of the French fleet in the West Indies was published. Two days later the governor of the Federal District wrote the minister for foreign relations that on the evening of August 16 an

officer of the district government had attended and presided over a meeting of the Cubans; that a president and secretary had been elected from their own number; and that among the Mexicans elected to membership were Bravo, the vice-president, and Santa Anna. In reply the governor was told that the president wished him to take care that the meetings of the junta should be orderly; that the name of the government be not used; and that nothing be said about intervention, either in the meetings or in the manifesto which the junta was going to send to their compatriots.[52] Poinsett reported in September that "the principal officers in the army and many of the most distinguished members of both houses of Congress" had united with the Cuban junta.[53]

Although Santa Anna's preparations in the early spring to invade and revolutionize Cuba from Yucatan had been on his own responsibility,[54] and he had been

[52] Eleven Cubans to Victoria, 5 de julio de 1825, to which the names of all are signed and a list attached of twenty-three Cubans resident in Mexico City; Victoria to Cubans, 15 de julio de 1825; Governor of Federal District to Secretario, 3 de agosto de 1825, and reply of 6 de agosto de 1825; Governor of Federal District to Secretario, 18 de agosto de 1825, and reply of 20 de agosto de 1825; all in MS., Relaciones Exteriores. And see Zavala, Ensayo Historico, I, 387–408.

[53] Poinsett to Clay, September 13, 1825, in cipher, MS., Department of State, Despatches from Mexico, I. An extract from this despatch but not including the cipher portion is in American State Papers, Foreign, V, 852; and in British and Foreign State Papers, XIII, 415.

[54] Obregon to Secretario, 21 de mayo de 1825, enclosing clippings from American papers commenting on the expedition,

cashiered for his conduct, yet a few weeks later the government had itself decided to undertake the same. Just before the end of May the foreign office in Mexico wrote Obregon that the president had decided to assist with Mexican forces in effecting the liberation of Cuba, and had promised the Cubans that it should be done the following winter.[55] A few days later a letter to Rocafuerte in London said recent news from Havana had caused the government to decide on this step. Relations had been established with the island to facilitate a happy outcome of the enterprise, and nothing would be omitted to assure it. To that end he was urged to hasten the coming of ships being purchased in England, since they would be the chief reliance. He was told to say nothing to the British

some saying Bolivar was behind it, and others believing England was furthering it, and mentioning England's ambition to get control of Panama to construct a canal there; same to same, 8 de julio de 1825; and Secretario to Obregon, [?] de agosto de 1825, telling of Santa Anna's removal from his command because of this and other acts; all in MS., Relaciones Exteriores.

"Il avait été grand bruit dernièrement d'une expédition, qui devait sortir de Campêche, sous les ordres de Général Santa-Anna, et était destinée à envahir l'île de Cuba. Les feuilles Américaines contenaient même une proclamation, que ce Général avait addressée à cette ocasion à ses troupes. Mais cette nouvelle est aujourd'hui contradité et l'on prétend que ce plan a été abandonné." Tuyll to Nesselrode, Washington, le 14/26 Mai 1825, American Historical Review, XVIII, 559.

[55] Obregon to Secretario, 17 de septiembre de 1825, in cipher, acknowledging receipt of a letter of 28 de mayo, telling the decision of the president of Mexico, MS., Relaciones Exteriores.

government of the matter till plans should be completed.[56] In the middle of June Poinsett said Bolivar was urging that the Panama congress assemble three months earlier than had been planned, and he believed the purpose was to concert plans for attacking Cuba. The Colombian minister had made proposals to Mexico for a joint attack on Cuba, and the Congress had discussed the matter in secret session, deciding that such action would be inexpedient at present. In cipher Poinsett declared the fact was that the Colombian proposal was refused because Mexico was ambitious to undertake the enterprise alone; and this Mexican jealousy of Colombia was the greatest reason for hoping that nothing would be undertaken at present. In order to avert the attack Poinsett suggested that this jealousy ought to be cultivated and that the people of Cuba ought to be encouraged to resist Mexican or Colombian interference.[57] The excitement about the middle of August over the French fleet in the West Indies caused Congress to devote another secret session to the proposed invasion. Numerous military juntas had been held to consider the matter. The wish to anticipate Colombia was manifest.[58]

[56] [Secretario] to Rocafuerte, 8 de junio de 1825, in cipher, MS., Relaciones Exteriores. He was told that the subject was to be discussed by the conference at Panama and it was still uncertain whether the enterprise would be undertaken by Mexico alone or by the allied countries.

[57] Poinsett to Clay, June 15, 1825, MS., Department of State, Despatches from Mexico, I.

[58] Poinsett to Clay, August 21, 1825, as cited in note 39, preceding. This portion of the letter is in cipher and not printed.

About the middle of September Poinsett told in cipher that the Cuban Junta had presented a memorial to the Congress urging that the expedition be sent at once. He said it would have the support of the executive, and it was probable that the Congress would act favorably.[59] The Mexican Eagle, the organ of the executive, told on September 19 of the arrival of one of the ships purchased in England, and said: "The navy of Mexico begins to figure among those of the new republics of America. The happy union of the island of Cuba to the Mexican confederation would give us in time the most powerful navy in America and one of the most brilliant that floats on the seas."[60] At the end of October Poinsett told Clay, again in cipher, that the Mexican cabinet "has resolved, on the arrival of the vessels of war now fitting out in the United States and of a squadron which is expected daily from Colombia and which has been subsidized by Mexico, to put on board of these vessels two thousand men to send them to cruise off Cuba and to land the men on some convenient point of the island where they expect to be joined by the patriots." He said however that the project had met with some opposition in the Congress, and if carried out it would have to be solely on executive authority and with inadequate supplies. He expected the project to fail and produce only the most disastrous consequences,

[59] Poinsett to Clay, September 13, 1825, as cited in note 53, preceding.

[60] Aguila Mejicana, 19 de septiembre de 1825, MS., Department of State, Despatches from Mexico, I.

for he feared that one or both parties might arm the blacks as auxiliaries. The Mexican government did not know that he was acquainted with their plans, so he could not speak openly on the subject; he would endeavor, however, to discourage the attempt.[61] In an all cipher despatch of December 2, 1825, Poinsett said: "The Cabinet of Mexico immediately after the surrender of the Castle of Ulloa [Ulúa] proposed [again] to Congress to undertake an expedition against the island of Cuba." The lower house debated the matter for two days in secret session and rejected it by the narrow margin of two. When defeat was seen to be inevitable the ministry tried to withdraw the proposition without a vote, in order that the executive might undertake a partial expedition as outlined above without appearing to act in direct contradiction to the Congress. But the house insisted on deciding the issue.[62]

During the last three months of 1825 frequent reports from Obregon and Rocafuerte indicated that Spain, very far from thinking of ceding Cuba to a European power or permitting it to be seized by an American power, was collecting new reinforcements in the ports of Spain and despatching them under convoy to Havana to defend the islands against all comers.[63] Obregon, knowing what the Mexican cab-

[61] Poinsett to Clay, October 29, 1825, in cipher, MS., Department of State, Despatches from Mexico, I.

[62] Poinsett to Clay, December 2, 1825, in cipher, MS., Department of State, Despatches from Mexico, I.

[63] Obregon to Secretario, 8 de octubre de 1825, and same to

inet was planning to do, and not knowing that Poinsett was on the inside and reporting the plans to the cabinet at Washington, declared to his government on November 30 that the loss to Spain of the islands was nearer than the United States supposed and feared. He suspected that Spain would seemingly yield to the diplomatic pressure being brought to bear on her and enter into negotiations as she was being urged to do; but with no other object than to neutralize the projects of Colombia and Mexico for invading and freeing the island. Obregon's opinion was confirmed a few days later by a Colombian who told him that a large force was being prepared at Cartagena supposedly to aid in liberating Cuba.[64] As a suggestion of the probable reception awaiting a Mexican liberating expedition Obregon told of the sensation produced at Havana when on December 5 a Mexican war vessel had arrived bearing the former Spanish commander of the fort of Ulúa in Vera Cruz harbor, which had surrendered to the Mexican forces a little more than a fortnight before. The two Mexican commissioners in

same, 10 de octubre de 1825; Rocafuerte to Secretario, 19 de octubre de 1825, saying that three thousand recruits forced against their wish to embark at Ferrol had sailed for Havana convoyed by two frigates and three brigs; Obregon to Secretario, 13 de noviembre de 1825, reporting the same as the last; same to same, 12 de diciembre de 1825, saying that a letter from Porto Rico of November 20 told of the arrival there of the expedition; same to same, 7 de enero de 1826, enclosing a newspaper report that a fleet of four vessels had reached Havana on December 18, MS., Relaciones Exteriores.

[64] Obregon to Secretario, 30 de noviembre, and 10 de diciembre de 1825, MS., Relaciones Exteriores.

charge who had landed from the vessel received an ovation everywhere, expressive of the joy which the Cuban people felt at having them in the city. The Spaniards were amazed and frightened at this display of attachment to Mexicans, and at the sight of the Mexican flag in port. The friend who had written this news told Obregon that the strength of the independence party was colossal. It would be more accurate, the friend had added, to say that it included all the island except half of the city of Havana, which was European. A powerful but ill equipped army was waiting to join the invader who should come to liberate them.[65]

On the last day of the year Obregon reported that Clay in a recent conference had shown much uneasiness, had asked if Obregon thought there was any danger of Cuba's being attacked that winter, had said there were rumors that Mexican and Colombian agents were raising an expedition in the United States for the purpose, and declared that such action could not be permitted under the neutrality law. With reference to Clay's efforts to bring pressure to bear on Spain through Russia and other European powers, Obregon said he believed that this country was merely negotiating, intriguing, and inspiring fear to prevent Mexico and Colombia from freeing Cuba.[66] On Feb-

[65] Obregon to Secretario, 28 de enero de 1826, enclosing a letter dated Havana, 28 de diciembre de 1825, MS., Relaciones Exteriores.

[66] Obregon to Secretario, 31 de diciembre de 1825, MS., Relaciones Exteriores.

ruary 1, 1826, he wrote that news had come that a Spanish fleet of six vessels was about to sail from Havana for Cartagena to blockade the latter harbor and prevent the departure of the expedition there preparing against Cuba. Since the surrender of Ulúa, and because of the consequent increase of the independent spirit in Cuba he feared Spain might yield to the influence of the combined mediation and make peace to save the islands.[67]

Early in December, 1825, Clay had given instructions to a resident of New Orleans who was to visit Cuba as a confidential agent, because of "the very great interest which the United States have in the future fortunes of Cuba, and the present dangers to which that island is exposed from foreign attack as well as from internal commotion." The character and condition of the population, the natural resources of the island, the political sentiment of the people and especially their attitude toward Mexico and Colombia, and the probable ability of the Spanish authorities to resist foreign attack or internal commotion were the matters which he was especially charged to report upon. He was merely to study and report movements and not to promote or encourage them. "Our position being that of peace with Spain and neutrality in the existing war between her and the new republics, fixes our duties in reference to any commotions which may be either meditated, or in fact may arise in the island. And if they should happen to be of a char-

[67] Obregon to Secretario, 28 de enero de 1826, and same to same, 1 de febrero de 1826, MS., Relaciones Exteriores.

acter, or take a turn, which would require of the United States, from the relations in which they stand to the island, to interpose their power, it will be time enough for the government here to consider and decide the nature of their intervention when the exigency arises."[68]

The effect of Clay's overture to Russia did not become known to him until nearly the end of the year 1825. His instruction of May 10 to Middleton reached the latter July 10. Four days later Middleton addressed a note to Count Nesselrode, the Russian foreign minister, enclosing with it the entire letter of instructions from Clay.[69] In the reply which was given after seven weeks of deliberation Nesselrode declared: "His Imperial Majesty felicitates himself

[68] Clay to Thomas B. Robertson, December 7, 1825, MS., Department of State, Instructions, X, 418. Robertson declined the mission; but a little more than a year later a similarly instructed secret agent did go. See Adams, Memoirs, VIII, 20, and below in this chapter.

[69] In this long complimentary note, Middleton said, "il croit ne pouvoir mieux faire que de lui envoyer ci-près copie d'une dépêche en forme d'Instruction qu'il vient de recevoir, et de le prier de vouloir bien la mettre sous les yeux de Sa Majesté l'Empereur, donc l'intervention amicale, invoquée avec succès dans plus d'une ocasion, peut encore en ce moment servir à la fois les intérêts de l'Europe et de l'Amerique. . . . Mais si les Etats Unis ont vù avec satisfaction les efforts des Nations du Contenent Americain, pour se soustraire au Joug de la Domination Espagnole, il n'en est pas de même pour ce qui regarde les Iles de Cuba et de Porto Rico. Le caractère de la population de ces Iles rend extrêmement problématique leur capacité de maintenir l'Independance." Middleton to Nesselrode, le 2/14 Juillet, 1825, British and Foreign State Papers, XIII, 490; Middleton to Clay, July 15/27, 1825, ibid., 409, and American State Papers, Foreign, V, 849.

with having inspired this confidence in the United States of America, and the undersigned is charged to invite Mr. Middleton to convey to his government the assurance of the high value at which the Emperor estimates those sentiments, of which new evidence is furnished by its present propositions. The opinions of His Imperial Majesty as to the question discussed by Mr. Clay in his despatch cannot be concealed from the Cabinet of Washington. His Imperial Majesty has ever thought that justice, the law of nations, and the general interest in having the indisputable titles of sovereignty respected, could not allow the determinations of the mother country in this important case to be prejudged or anticipated. On the other side, whenever Spain has wished to discuss the future condition of South America she has addressed overtures to all the allied powers of Europe. It will not be possible, therefore, for His Imperial Majesty to change principles in this negotiation nor to institute it separately; and until positive information has been received of the ulterior views of Spain in regard to her American possessions, of her decision upon the proposition of the United States, and of the opinions of her allies in relation to the same subject, Russia cannot give a definite answer." In the meantime he hoped the United States would "use their influence in defeating, as far as may be in their power, every enterprise against these islands."[70] Middleton wrote Clay that

[70] Nesselrode to Middleton, August 20/[September 1], 1825, American State Papers, Foreign, V, 850; British and Foreign State Papers, XIII, 410.

the position of the Russian government was such that nothing more definite or satisfactory could be said officially. But he understood that the emperor would use his influence to bring the war to a close, and that instructions had been communicated for that purpose to the Russian representatives at Madrid and the other allied courts.[71] Adams understood the Russian minister in Washington to corroborate Middleton's opinion of the emperor's attitude.[72]

In commenting on the Russian reply Clay agreed with Middleton in believing that the appeal to Russia "has not been without favorable effect." It was "perhaps not to be expected that previous to consultations with them [the allied powers] language more explicit should be held. . . . It authorizes the belief that the preponderating influence of Russia has been thrown into the scale of peace. Notwithstanding predictions of a contrary result confidently made by Mr. Secretary Canning, this decision of the Emperor corresponds with the anticipations which have been constantly entertained here ever since the President re-

[71] Middleton to Clay, August 27/September 8, 1825, American State Papers, Foreign, V, 849; British and Foreign State Papers, XIII, 410.

[72] Adams, Memoirs, VII, 88. Nesselrode wrote Tuyll, le 4 7bre 1825, "L'Empereur désire que vous y puisiez des argumens pour démontrer d'une part à Mr. Clay qu'il nous était impossible de faire un autre accueil à ses propositions, et pour lui prouver combien Sa Majesté Impériale se plait à reconnaître la confiance et l'amitié, que lui témoignent les Etats Unis; combien Elle souhaite que ces sentimens président toujours aux relations existantes entre les deux Puissances." American Historical Review, XVIII, 561.

solved to invoke his intervention." Clay then told of the efforts which he was making to induce Mexico and Colombia to suspend their anticipated operations against Cuba till the final results of the mediation could be learned, and declared: "On this subject it is proper that we should be perfectly understood by Russia. For ourselves we desire no change in the possession of Cuba, as has been heretofore stated. We cannot allow the transfer of the islands to any European power. But if Spain should refuse to conclude peace, and obstinately resolve on continuing the war, although we do not desire that either Colombia or Mexico should acquire the island of Cuba, the President cannot see any justifiable ground on which we can forcibly interfere. . . . If the war against the islands should be conducted by those republics in a desolating manner; if contrary to all expectations they should put arms in the hands of one race of the inhabitants to destroy the lives of another; if in short they should countenance and encourage excesses and examples, the contagion of which from our neighborhood would be dangerous to our quiet and safety, the government of the United States might feel itself called upon to interpose its power."[73] This veiled threat conveyed

[73] Clay to Middleton, December 26, 1825, MS., Department of State, Instructions, X, 424; American State Papers, Foreign, V, 850; British and Foreign State Papers, XIII, 412.

In the debates in Congress on the mission to Panama, Callahan says that Forsyth declared "he desired to see Spain hold Cuba, but he opposed any interference against the rights of Mexico and Colombia to conquer it in order to end the contest with Spain; Cuba was 'the jungle in which the Royal

through Russia was probably intended to frighten Spain into making peace. Furthermore in case the apprehended attack by Colombia and Mexico should occur, the United States government would be able to point to this warning as a justification for seizing Cuba should that step be decided on, as was likely.

Although Clay felt that the United States could not, in case the war should long continue, interfere to prevent the anticipated attack, yet he determined to do all he could in a friendly manner to forestall it for the present. On December 20 he handed identical notes to the Mexican and Colombian ministers in Washington asking the suspension for a limited time of any projects which their respective countries might be forming against Cuba, in order to give Russia time to act.[74] A copy of the identical note was sent to Poinsett in Mexico and another to Anderson, the American minister to Colombia, with the request that each further the purpose of it as far as might be in his power.[75] The Colombian minister replied on December 30 that he would send the note to his government; but said he thought the reports of preparations

Tiger hides himself,' and they had a right to drive the tiger out." Callahan, Cuba and International Relations, 155.

[74] Clay to Obregon, December 20, 1825, enclosed with Obregon to Secretario, 14 de enero de 1826, MS., Relaciones Exteriores. Clay to Salazar, identical with this, is in American State Papers, Foreign, V, 851; and in British and Foreign State Papers, XIII, 414.

[75] Clay to $\frac{\text{Poinsett}}{\text{Anderson}}$, December 30, 1825, MS., Department of State, Instructions, X, 426.

in Colombia for attacking Cuba had little or no truth in them. He argued at length that such an attack by Colombia on the headquarters of the enemy would be entirely justified. He expected the congress at Panama to decide the fortunes of the islands.[76]

Poinsett had not mentioned to the Mexican cabinet until December 10 the efforts of his government to bring pressure to bear on Spain through Russia. On that date he communicated a copy of the instructions to Middleton given just seven months earlier. The reply from Camacho, then minister for foreign relations, expressed the satisfaction of President Victoria.[77] On February 1, 1826, Poinsett reported that Victoria, after asking and receiving a full explanation of the attitude of the United States regarding Cuba, had expressed himself as satisfied and declared that Mexico "had no intention to conquer or keep possession of the island, [but] that the object of the expedition which they contemplated was to assist the revolutionists of Cuba to drive out the Spaniards, and in case they succeeded to leave that people to govern themselves." Poinsett told him it was to be regretted

[76] Salazar to Clay, December 30, 1825, American State Papers, Foreign, V, 856; British and Foreign State Papers, XIII, 426. Obregon's reply merely stated that he would transmit the proposal to his government. Obregon to Clay, January 4, 1826, American State Papers, Foreign, V, 857; British and Foreign State Papers, XIII, 428.

[77] Poinsett to Camacho, December 10, 1825, MS., Relaciones Exteriores; Camacho to Poinsett, December 31, 1825, enclosed with Poinsett to Clay, January 14, 1826, MS., Department of State, Despatches from Mexico, I.

that this declaration had not been made earlier, since a very different notion of Mexico's intentions had been held. A report had recently come from the Mexican chargé at Bogotá saying that a Colombian expedition was about ready to start to foment a revolution in Cuba; and the chargé had advised Mexico to anticipate Colombia in this movement, because he believed it to be the object of Colombia to attach that island to her already vast possessions.[78] A few days earlier the question of the invasion of Cuba had been again agitated in Congress in connection with a motion in the Senate to permit the executive to send troops out of the country. This motion was rejected. But the Senate passed another motion granting permission to the executive to undertake an expedition against Cuba jointly with Colombia. This motion was in the form of two resolutions that had been drawn by a committee after consultation with the executive. The resolutions declared: "First—The government is hereby authorized in combination with that of the republic of Colombia to undertake a military expedition in order to assist the efforts of the inhabitants of Cuba to achieve their independence. Secondly—In the event of the cause of liberty succeeding in the island the government is particularly directed to cause to be established in it a national representation on the basis of the rights of the people of the new republics of America." When these resolutions came before the Cham-

[78] Poinsett to Clay, February 1, 1826, MS., Department of State, Despatches from Mexico, I.

ber of Deputies that house voted "to postpone the further consideration of the question until the executive could submit to the consideration of Congress the plans which may be agreed upon at Panama."[79]

Early in March Poinsett communicated to the Mexican cabinet the reply of Nesselrode to Middleton and the inferences drawn from it by both Middleton and Clay. But the communication was received with coolness. The reasons which, at Clay's suggestion, Poinsett had urged for suspending the expedition he feared would rather tend to hasten it. The Mexican government, he said, did not fear Spain and was indifferent whether that government recognized Mexican independence or not. Neither did they longer fear a European alliance, since they took it for granted that any designs of those powers would be kept in check by the United States and Great Britain. The greatest apprehension was lest the powers might compel Spain to make peace on condition of Cuba and Porto Rico being guaranteed to her, "which would deprive Mexico of the advantage and glory of emancipating those

[79] Poinsett to Clay, January 28, 1826, and February 1, 1826; Poinsett to Brent, February 10, and Poinsett to Clay, February 25, 1826, MS., Department of State, Despatches from Mexico, I. In the last Poinsett says that the Chamber of Deputies were opposed to the measure, and this postponement was to avoid having it carried over the adverse vote of that house. The constitution provided that "if an act which originates in one house be rejected in the other, it shall again be taken up by the house in which it originated, and if it passes by a majority of two thirds, it shall become a law, unless rejected by more than two thirds of the other house." The vote in the Deputies was 36 to 20, a little less than two thirds.

islands." The reason the Mexican government was so ready to grant every assistance in their power to Colombia was that they feared that power might liberate the islands unassisted and hold them. "The only assistance, however, the executive can grant, without consulting Congress, is to send their fleet to cooperate with that of Colombia, which I think they will be disposed to do if they can do no more."[80]

Discouraged by the indefinite postponement of the official assistance which they were expecting, the Cuban patriots determined to organize a private expedition, asking the Mexican executive for financial assistance. If disappointed in this they expected to go to the United States and endeavor to raise an expedition, borrowing money in England. They were determined if possible to anticipate Colombia in raising the standard of revolt. If then Colombia should come to their assistance that power could only claim compensation and would have no sufficient excuse for retaining the island. Late in March Poinsett reported that these Cubans, thinking they had not been very well treated by the Mexican government, had decided to leave the country and go to offer their serv-

[80] Poinsett to Clay, March 8, 1826, MS., Department of State, Despatches from Mexico, I.

Temperley's notion of the real desire of Mexico concerning Cuba and Spanish recognition is exactly the reverse of what Poinsett understood. Temperley says: "It is probable that even the much vaunted project of an attack upon Cuba by the Spanish-Americans was only a threat to dispose Spain toward recognition." "Later American Policy of Canning," American Historical Review, XI, 792.

ices to Colombia. This they did in spite of the efforts of the Mexican executive to detain them in hope of gaining some advantage from their being on board the Mexican vessels that it was still hoped might go to liberate their island.[81] A messenger had recently brought news from Colombia which, though great secrecy was supposed to be observed, Poinsett had learned related to the large squadron then fitting out in Cartagena for Cuba. Bolivar himself, it was said, would arrive in April to take command. Poinsett still believed that the Mexican fleet would be sent by the executive to cooperate with Colombia, and that as many troops would be put on board as might by a forced interpretation be considered marines. This Poinsett believed would be done in spite of the fact that he had communicated to the President and the secretary for foreign relations Clay's request that all projects against Cuba be suspended until the results of the joint mediation be known. To his proposals and arguments Victoria had replied coldly that he would give the suggestions their due weight.[82]

As late as April, 1826, Clay had not learned that Russia had made any effort at Madrid in response to his overture of nearly a year before. He attributed this partly to the death of the Emperor Alexander; but Nicholas had announced his intention of carrying out his brother's policies. Through Everett, the min-

[81] Poinsett to Clay, March 24, 1826, MS., Department of State, Despatches from Mexico, I.

[82] Poinsett to Clay, March 18, March 24, and April 8, 1826, MS., Department of State, Despatches from Mexico, I.

ister at Madrid, Clay informed that court of his request to Colombia and Mexico to suspend operations against Cuba, and of the announcements to England and France declaring that the United States could not see any European power acquire them either with or without the consent of Spain. "And the forbearance of the United States in regard to them may be fully relied on from their known justice, from their patience and moderation heretofore exhibited, and from their established pacific policy. If the acquisition of Cuba were desirable to the United States, there is believed to be no reasonable prospect of effecting at this conjunction that object. And if there were any the frankness of their diplomacy, which has induced the President freely and fully to disclose our views both to Great Britain and France, forbids absolutely any movement whatever at this time with such a purpose." This he said was "almost equivalent to an actual guarantee of the islands to Spain. But we can enter into no stipulations by treaty to guarantee them."[83]

This declaration against any treaty guaranty was in reply to a suggestion which Everett had made in a despatch of January 1 preceding that he thought Spain might like to have the United States or the Spanish-American states offer to guarantee to Spain the possession of the islands in return for recognizing the independence of the continental states. It had been in

[83] Clay to Everett, April 13, 1826, MS., Department of State, Instructions, XI, 21; extract in House Executive Documents, 32 congress, 1 session, number 121, page 18.

the latter part of September, 1825, that Everett had found his first opportunity to approach the Spanish government with the suggestion that the United States would like to see Spain make peace with and recognize the independence of her former possessions, as he had been instructed by Clay in April of that year. The Spanish minister, Zea, had listened respectfully but had replied most positively that the king would never abandon his claim to the colonies; that the independent party was not so strong in them as was generally supposed and a reversion to the Spanish cause was expected; that the cause of Spain was just and for that reason Providence would interpose in Spain's behalf; and that the king was ready to sacrifice everything rather than surrender what he knew to be his right. Everett expressed his regret but considered it useless to enter into an extended argument.[84] On October 20, 1825, Everett reported that the Spanish government had just learned for the first time of the overture which the United States had made to Russia asking that power to use its good offices to bring about peace. At Zea's request Everett had told what he knew of the instruction to Middleton. Zea "replied that these proceedings of the government of the United States placed him under the necessity of declaring, in the most positive manner, the King's unalterable resolution never to abandon his rights, and to reject all offers of mediation, or of amicable inter-

[84] Everett to Clay, September 25, 1825, American State Papers, Foreign, V, 795; British and Foreign State Papers, XIII, 432.

vention, which should contemplate an acknowledgement of the independence of the new states." He added that Spain was ever ready to listen to any proposal or treat those states with the greatest indulence on the basis of a return to their former allegiance.[85] Late in November Everett told of a ministerial change which he had for a time hoped might cause Spain to listen more favorably to the mediation; but he found that the sentiment had not changed though the Duke del Infantado, the new minister, was less positive in his declarations.[86] In his letter of January 1, alluded to above, Everett told of the reorganization of the Council of State with a number of prominent American loyalists among its membership and said he hoped this indicated a more favorable attitude toward the new states; but there was no certainty that it did.[87] Before the ministerial change Zea had asked Everett to put in writing a statement of the principles upon which his government based its attitude. After that change the Duke del Infantado expressed his willingness to receive such a statement. Everett was very careful and very deliberate in preparing his note. Finally on January 20, 1826, he presented it. It contained more than twelve thousand words, reviewing at great length the revolt of the col-

[85] Everett to Clay, October 20, 1825, American State Papers, Foreign, V, 795; British and Foreign State Papers, XIII, 433.

[86] Everett to Clay, November 21, 1825, American State Papers, Foreign, V, 879; British and Foreign State Papers, XIII, 439.

[87] Everett to Clay, January 1, 1826, American State Papers, Foreign, V, 880; British and Foreign State Papers, XIII, 441.

onies and the attitude of the United States toward the new states and toward Spain, and enlarging upon all of the arguments which Clay had suggested to induce Spain to recognize the continental states in order to save to herself the possession of the islands.[88]

Everett had tried to learn from the Russian minister at Madrid what the attitude of the Russian government was toward the proposal of the United States that the emperor should try to induce Spain to recognize the new states; but d'Oubril, the Russian envoy, was very guarded in his language. He would not admit that the emperor intended to encourage Spain to persist in her policy; but Everett said it was generally understood that Russia's influence was being so employed.[89]

On April 21, 1826, Clay asked Middleton to ascertain from the Russian government what had been done by it with reference to the proposed mediation, saying Everett's reports indicated that the Russian minister's influence at Madrid seemed to favor the continuance of the war.[90] A little more than a month later, in telling Middleton that the Colombian government had

[88] Everett to Duke del Infantado, January 20, 1826, American State Papers, Foreign, VI, 1006; British and Foreign State Papers, XVI, 856.

[89] Everett to Clay, October 20, 1825, as cited in note 85, above. On December 12 Everett wrote that word from Brown at Paris indicated a favorable reception at St. Petersburg of Middleton's overture and a prospect for a favorable effect.

[90] Clay to Middleton, April 21, 1826, MS., Department of State, Instructions, XI, 23.

agreed to suspend hostilities against Cuba, Clay said: "You will avail yourself of this note to urge the Russian government to new efforts to bring about peace, as well as to let you know the result of those which you expected would be employed at the instance of the late Emperor in the course of the last summer."[91]

But notwithstanding these suspicions and indications to the contrary, Russia's influence at Madrid had been pacific, although it had yielded no results. In June, 1826, Rocafuerte in London wrote his government that England and the United States were advocating the cause of the new states with vigor; and France, Austria, and Russia were in accord and urging Spain to yield to reason and circumstances.[92] In July Everett wrote Clay that the Russian minister at Madrid had told him of receiving new instructions to urge Spain to give an answer to the overtures which he had made the preceding October when he handed to the Spanish court a copy of Clay's letter to Middleton requesting Russia's mediation. As an additional motive the minister was now asked by his government to urge the effort of the United States, hitherto successful, to restrain the new states from attacking

[91] Clay to Middleton, May 26, 1826, MS., Department of State, Instructions, XI, 81.

[92] Rocafuerte to Secretario, 10 de junio de 1826, MS., Relaciones Exteriores. Everett had told Clay on October 20, 1825 (see note 85), that he had learned from the British minister at Madrid that the British government was making no attempt to influence the decision of Spain. He said that France and some other European powers were trying to prevail on Spain to alter her policy.

Cuba. In keeping with these new instructions d'Oubril had urged the Spanish cabinet to give a reply, but without effect.[93] Middleton wrote Clay, also in July, 1826, that Nesselrode had declared in reply to his inquiry that the original request of Clay had been forwarded at once to Madrid, accompanied by observations which should have assured a favorable reception, but that no reply had been given. Notwithstanding the fact that the Russian envoy had again been instructed to urge Spain to make reply, since courtesy demanded a reply from Russia to the United States, still no reply had come.[94] Two months later Middleton said he felt sure that for the entire year the counsels of Russia to Spain had been pacific; and that it could have been only through a misapprehension that the Russian minister at Madrid was thought to be exerting an influence adverse to peace.[95] Maltitz, the Russian representative in Washington, told Clay in November, 1826, that the Emperor Alexander had instructed d'Oubril to urge Spain to consider the proposal of the United States and give an answer; that d'Oubril had scrupulously executed the instructions; and that the present Emperor Nicholas had twice instructed d'Oubril to the same effect.[96] In reply to

[93] Everett to Clay, July 7, 1826, MS., Relaciones Exteriores. This letter and those cited in the four following notes were enclosed with Obregon to Secretario, 9 de abril de 1827.

[94] Middleton to Clay, July 18/30, 1826, MS., Relaciones Exteriores.

[95] Middleton to Clay, September 8/20, 1826, MS., Relaciones Exteriores.

[96] Maltitz to Clay, November 18/30, 1826, MS., Relaciones Exteriores.

the last, Clay said it was gratifying to know that the new emperor was pursuing the same policy as the old; and affirmed that the policy of the United States with regard to Cuba and Porto Rico remained unchanged. But, he added, although the new states at the request of the United States had refrained from attacking the islands, yet Spain had sent a formidable new fleet from Havana to attack those states. If Spain should persist in this policy and the new states should find it necessary for their own safety to attack the islands the United States could not then interpose, except in their own interests.[97]

Although Clay's efforts with Spain seconded by European powers had proved fruitless, his efforts with Colombia and Mexico were proving more successful. At the end of May, 1826, Poinsett had written that President Victoria had created a sensation by making a statement in his message to Congress which indicated that the projected expedition against Cuba had been abandoned for the present at least. In view of the fact that the matter was to be discussed at the congress at Panama the Mexican government had shown some anxiety to know what the attitude of the United States would be in case the invasion of Cuba should be decided on by that congress. Poinsett thought a firm stand taken by the United States would prevent such decision.[98] Thus Mexico had practically

[97] Clay to Maltitz, December 23, 1826, MS., Relaciones Exteriores.

[98] Poinsett to Clay, May 31, 1826, MS., Department of State, Despatches from Mexico, I.

complied with Clay's request though it had not promised to do so and no official communication of the fact had been made. Colombia not only complied with the request but sent through the American minister at Bogotá an express declaration that the projected invasion had been postponed until the sense of the congress at Panama should be known.[99]

It was to look to the interests of the United States respecting Cuba and Porto Rico which President Adams urged as the chief reason for the United States sending representatives to the congress at Panama. In the congressional discussions in the spring of 1826 over the Panama mission the fate of Cuba and Porto Rico was also the matter of most vital concern. The nearness of Cuba to the southern states, the presence there of a large slave population, the certainty that the slaves would be liberated if Cuban independence should be established by the new states, and the dire consequences that might ensue in the southern states as a result, made it imperative that the government should be vitally concerned in the matter. The representatives of the United States were pledged by Adams's promises to Congress to use their influence to restrain the new states from attacking the islands.[100]

The representative whom England was invited to

[99] Clay to Poinsett, June 23, 1826, MS., Department of State, Instructions, XI, 139.

[100] For discussions of the Panama mission in its relations to the interests of the United States in Cuba, see Chadwick, United States and Spain, Diplomacy, 209–215; and Callahan, Cuba and International Relations, 153–156.

send to Panama was instructed to pursue a very different course. Canning apparently hoped thereby to gain favor with the new states and increase their already existing suspicion of the motives of the United States. After reminding that representative that the United States, France, and Great Britain all earnestly desired that Cuba remain a colony of Spain, he declared that the last, "so far from denying the right of the new states of America to make a hostile attack upon Cuba, . . . uniformly refused to join with the United States in remonstrating with Mexico and Colombia against the supposed intention, or intimating that we should feel displeasure at the execution of it. We should indeed regret it but we arrogate to ourselves no right to control the operations of one belligerent against another. The government of the United States however professes itself of a different opinion. It conceives that the interests of the United States would be so directly affected by either the occupation of Havana by an invading force, or by the consequences which an attack upon Cuba, even if successful, might produce in the interior of the island, that the cabinet of Washington hardly disguises its intention to interfere directly, and by force, to prevent or repress such an operation. Neither England nor France could see with indifference the United States in occupation of Cuba."[101]

[101] Canning to Dawkins, March 18, 1826, quoted by Temperley, American Historical Review, XI, 792. Temperley says that Vaughn, the English minister at Washington, had actually suggested to Clay an interference by the United States to dis-

As is well known the congress at Panama amounted to very little. Neither the English nor the American representatives were present. Only a few of the Spanish-American countries were represented. Poinsett wrote: "I have been assured that, although the present condition of the islands of Cuba and Puerto

suade Mexico and Colombia from attacking Cuba; but that Canning disavowed the act and wrote Vaughn fresh instructions, saying, "If it had been intended that you should treat . . . in a matter so delicate, as the proposed interference of neutral powers to controul the legitimate operations of belligerents against each other, you would not have been left without instructions, upon a point of as much novelty, as delicacy and importance. If the United States think their interests likely to be affected by the continuance of the war between Spain and the new transatlantick States they are probably right, and perfectly at liberty to employ their good offices to bring about a pacification.

"We have long endeavored to do so but in vain; and Spain has been uniformly the recusant party. If the United States think that particular interests of their own require that a certain operation of war should not be undertaken by one of the belligerents,—it is a question, and a very nice one for them, . . . but it is manifest that we have not the like interest either to induce or to justify us in so unusual an interposition. . . . If it be merely the interests of the United States that are concerned, that ground of interference can only belong to them, nor is there any obligation on us, to share the odium of such an interposition." Ibid., 791, citing a Public Record Office MS.

See above, note 92, for Everett's statement of what he had learned at Madrid concerning England's attitude. Callahan, Cuba and International Relations, 144, says that England had in 1824 and 1825 made several attempts to dissuade Mexico and Colombia from this very movement against Cuba. See the preceding chapter on British influence in Mexico for Canning's opposition to the influence of the United States.

Rico was considered by the American plenipotentiaries at Panama, to be incompatible with the safety of these countries, and the policy of subduing them by force formed a frequent topic of conversation in that assembly, still no decisive measures with respect to them were resolved upon, nor are they mentioned in the secret convention concluded between the Spanish American states. The plenipotentiaries were probably deterred from acting upon this very important subject both by the language which has been held by the president [of the United States] with regard to these islands, and by the inability of the governments of Mexico and Colombia, at this time, to undertake any expensive expedition."[102] A month later Poinsett wrote: "Although the secret treaty of Panama contains no direct provisions respecting Cuba, still it is understood that its ratification will, by combining the two squadrons of Mexico and Colombia, enable this government to undertake the long projected expedition against that island."[103]

Cuban patriots in Mexico did not yet abandon hope of obtaining help in freeing their island. Adopting a plan that had been successfully employed to get funds in various European states to promote the recent revolution in Greece, a group of Cubans residing in Vera Cruz made, in October, 1826, a systematic appeal to

[102] Poinsett to Clay, September 23, 1826, MS., Department of State, Despatches from Mexico, II; British and Foreign State Papers, XIII, 990.

[103] Poinsett to Clay, October 21, 1825, MS., Department of State, Despatches from Mexico, II.

all lovers of liberty to contribute privately funds to equip an expedition. A collector was named for each state of the Mexican federation. In most cases he was a high official. For example, Esteva, secretary of the national treasury, was made collector for the Federal District. Money thus collected was to be forwarded to an agent in New York to be used in purchasing supplies for an expedition. Nothing of importance came from their plans.[104]

Again in May, 1827, Poinsett said a new report had come "that an expedition is fitting out in Colombia for the invasion of either Cuba or Porto Rico," and he would not be surprised if something of the kind would yet be attempted. The Mexican government would view such an attempt with great jealousy.[105] At the same time Obregon in Washington was urging his government to seize Cuba, arguing that Spanish dominion in the islands was incompatible with the tranquility and welfare of Mexico and there was

[104] Lemus to Commandant de Queretaro, Veracruz, 9 de octubre de 1826, MS., Relaciones Exteriores. In most of the states the Commandant General was chosen. A copy of this letter was sent to each. Before accepting the charge these officials consulted the central government. See Pedraza, secretario de guerro, to secretario de relaciones, 27 de octubre de 1826, enclosing a letter from the Commandant de Queretaro dated 24 de octubre de 1826, and a copy of Lemus to the latter, cited above. Sanchez y Coro to Secretario, Guadalajara, 18 de noviembre de 1826, says that a deputy in the congress of the state of Jalisco had been asked to collect funds for the Cuban Junta, and asks advice. All these are in MS., Relaciones Exteriores.

[105] Poinsett to Clay, May 12, 1827, MS., Department of State, Despatches from Mexico, II.

no other way to terminate the war. Furthermore he declared that if it should fall into the hands of some other European power it would endanger Mexico; but if possessed by Mexico it would balance European influence in the Antilles.[106] Poinsett wrote in December that the Mexican government was preparing to send the fleet to Cartagena to join that of Colombia; but he understood that it was with the intention of sailing against the coast of Spain instead of attacking Cuba.[107] The most serious obstacle which had hitherto stood in the way of the Mexican executive's sending the expedition to Cuba was removed by a law of May 12, 1828, granting permission for the executive at its discretion to send national troops outside the bounds of the republic, mentioning as the express purpose the waging of war against the island of Cuba or other points still dependent on the government of Spain.[108] But in this year 1828 a period of internal disorder and factional strife began in both Mexico and Colombia which rendered any foreign enterprise impracticable.

In 1827 another danger had threatened Cuba and

[106] Obregon to Secretario, 9 de abril de 1827, MS., Relaciones Exteriores. The next month he told of a Cuban named Montenegro whom he had met in Philadelphia and who, he thought, would be useful to Mexico in any enterprise against Cuba. Same to same, 18 de mayo de 1827, ibid.

[107] Poinsett to Clay, December 6, 1827, MS., Department of State, Despatches from Mexico, III.

[108] Mexico, Leyes, Decretos, y Ordenes que forman el Derecho International, 1164. It is addressed to Pedraza, secretario de guerra, and signed by the president and secretary of each of the chambers of Congress.

had given Adams and Clay considerable anxiety for a time. There was a probability that England and Spain would be involved in war over their conflicting policies and interests in Portugal. On October 6, 1826, Canning wrote Liverpool: "One single word I must add in the deepest secrecy. God forbid war; but if Spain will have it, ought not we to think of the Havannah? Where else can we strike a blow? and what other blow would be so effectual? It would settle all better than half a dozen Peninsular campaigns."[109] Gallatin then in London was approached by the Mexican minister, it seems, with a suggestion to make Cuba independent under the joint guaranty of Great Britain and all of the American states. It is said that Gallatin favored the plan and recommended it to Clay; and that he also approached Canning on the matter but found him noncommittal.[110] In spite of Canning's secrecy his plans became known. On August 17, 1827, Everett in Madrid wrote Clay that England was planning to effect a revolution in the Canary islands and Cuba in order "to establish the British influence in these islands [and] in the end, probably, to obtain territorial possession of them." The sources of information were such, Everett thought, as to leave no doubt of the facts.[111] Everett

[109] Canning to Liverpool, October 6, 1826, in Stapleton, Official Correspondence of Canning, II, 144.

[110] Callahan, Cuba and International Relations, 157.

[111] Everett to Clay, August 17, 1827, House Executive Documents, 32 congress, 1 session, number 121, page 19. As evidence, Everett enclosed a copy, which had been given him in

took advantage of the first good opportunity that presented itself to declare to the Spanish government, "it is impossible for them [the United States] to view with indifference these movements of the British government, considering it, as they do, as a settled principle that the island of Cuba must in no event, and under no pretext, pass into the possession of, or under the protection of, any European power other than Spain."[112]

Adams and Clay thought this danger together with that which was threatening from Mexico and Colombia justified them in sending a secret agent to Havana to report confidentially on the sentiment in the islands toward the various nations concerned. Besides repeating the instructions which he had written for a secret agent late in 1825, Clay asked this agent to learn what the attitude of the inhabitants would be toward a colonial connection with Great Britain, in case the existing relations of that power and Spain should result in war and England should attack Ha-

the strictest confidence, of a despatch dated June 1 from the Spanish minister at London. That minister had said that the information had been given to him by the Duke of Wellington. Everett said it was strange that the duke should have revealed such; but thought it "was probably owing to the strong feeling of disgust and bitterness with which he has been inspired by the late change in the administration." See also Chadwick, United States and Spain, Diplomacy, 216.

[112] Everett to Salmon, December 10, 1827, enclosed with Everett to Clay, December 12, 1827, House Executive Documents, 32 congress, 1 session, number 121, pages 22 and 21. And see Chadwick, United States and Spain, Diplomacy, 217.

vana; and he was also to learn the Spanish means for resisting such attack.[113]

During the last year of the Adams-Clay administration anxiety concerning Cuba was not entirely relieved; but no important diplomatic communications passed. The Jackson administration continued practically unchanged the policy of their predecessors. In October, 1829, Van Buren said to Van Ness, the new minister to Madrid: "As it is not impossible that Spain, in her present embarrassed and dependent situation, might be induced to yield her assent to a temporary occupation of it [Cuba], as a pledge for the fulfillment of her engagements, or to part with her right of property in it for other considerations affording immediate relief in the hour of her distress it is the wish of the President that the same watchfulness which had engaged the attention of your predecessors in relation to this subject should be continued during your administration of the affairs of the legation." He was told that the United States could not enter into engagements to guarantee the possession of Cuba to Spain; but, alluding to the danger from Mexico

[113] Clay to Daniel P. Cook, March 12, 1827, MS., Department of State, Instructions, XI, 267. This shows that Adams and Clay were aware of the English designs long before the information from Everett came. For the instructions to Robertson in 1825, see above, this chapter, and note 68. The former agent did not go; but Cook went, had several interviews with the Spanish governor, Vivés, and reported. This confidential mission was the subject for a congressional investigation in the next year, and occasioned considerable embarrassment for the administration. Adams, Memoirs, VIII, 20–21.

and Colombia, Van Buren declared: "This government has every reason to believe that the same influence which once averted the blow ready to fall upon the Spanish islands would again be found effectual on the recurrence of similar events."[114] In this same month of October Poinsett told of a new movement of the Mexican government the purpose of which, he thought, was to incite a slave revolt in Cuba.[115] Six weeks later Van Buren instructed Butler, who was to replace Poinsett at Mexico, to remonstrate against the alleged intention of Mexico to excite the slave rebellion.[116] Late in 1830 the minister at Madrid was told that Mexico had given "assurance that no such measures will, in any event be resorted to." In this same letter he was told that the new states had given notice that if Spain persisted in her refusal to make peace and recognize them, they would find it necessary to attack the islands. In view of this he reaffirmed the position of Adams and Clay that the United States was content to have Cuba remain in the possession of Spain; could not consent to its transfer to any European power; and greatly preferred that it should not pass to either of the South American states; but "the President does not see on

[114] Van Buren to Van Ness, October 2, 1829, House Executive Documents, 32 congress, 1 session, number 121, pages 27 and 28.

[115] Poinsett to Van Buren, October 14, 1829, MS., Department of State, Despatches from Mexico, IV.

[116] Van Buren to Poinsett, November 30, 1829, enclosing the despatch to Butler, MS., Department of State, Instructions, XIV, 148.

what ground he would be justified in interfering with any attempts which the South American states might think it for their interest, in the prosecution of a defensive war, to make upon the islands," unless the slaves should be armed.[117]

[117] Van Buren to Van Ness, October 13, 1830, House Executive Documents, 32 congress, 1 session, number 121, page 28.

CHAPTER V

Diplomacy Concerning the Opening of the Santa Fé Trail

Among the early matters to furnish occasion for diplomatic communications between Poinsett and the Mexican government was one providing for the survey, marking out, and protection of a road leading from the frontier settlements of the United States on the Missouri river to the nearest settlements in New Mexico. In the years immediately following the collapse of Spanish power in Mexico the trade which had previously maintained a precarious and fitful existence by way of this route grew by leaps and bounds.[1]

[1] The purpose here is to study the diplomatic relations between the United States and Mexico concerning the opening of the Santa Fé Road. No attempt is made to trace the growth, extent, or importance of the Santa Fé trade. Much less is any space given to recounting the hardships suffered by the traders or the many interesting and tragic events of which they left accounts. A brief summary of such matters may be found in Bancroft's "History of Arizona and New Mexico," page 329 and following. In the footnotes to these pages Bancroft gives the sources which he used. One of the most extensive, interesting, and important of them, Josiah Gregg's "Commerce of the Prairies, or the Journal of a Santa Fé Trader during eight Expeditions, . . ." in two volumes, Second Edition, published by Langley, New York, 1845, has recently been made easily available in the collection of reprints of "Early Western Travels" by the late R. G. Thwaites, published by A. H. Clark Company, 1905, volumes XIX and

Under Spanish dominion it had been hampered by the usual unreasonable restrictions. In the period of uncertainty and confusion during the rapidly changing provisional governments in Mexico between 1821 and 1824 these restrictions were not enforced. They were not, however, formally removed. Neither did the officials at Mexico welcome the news of the growing intercourse on the far northern frontier.[2]

About the middle of 1823, Torrens, the Mexican chargé at Washington, reported that an expedition was about to set out from Kentucky for Santa Fé. Its purpose seemed to be to open up a mine which had been discovered. It appeared too that they were going to take with them wagons loaded with merchandise. He thought that if orders were not given to prohibit or regulate this traffic numberless other adventurers would soon undertake it. If so they would introduce a contraband trade, and would trick the simple natives into parting with their scanty earnings.[3] Two months later, he said, a subsequent report had stated that the mine which the expedition was intended to exploit was within the limits of the United States.[4]

XX. Henry Inman's "Old Santa Fé Trail," Macmillan Company, 1898, repeats many of Gregg's most exciting stories and adds others.

[2] Bancroft, History of Arizona and New Mexico, 329, incorrectly says: "With the end of Spanish rule ceased all opposition to the traffic on the part of the Mexican authorities."

[3] Torrens to Secretario de Relaciones Exteriores, 21 de junio de 1823, La Diplomacia Mexicana, II, 13.

[4] Torrens to Secretario, 21 de agosto de 1823, La Diplomacia Mexicana, II, 21.

Shortly after receiving the first of these notes from Torrens, the government at Mexico sent instructions concerning the matter to the political chief of New Mexico. He was told that both the working of the mine and the contraband trade in which Torrens thought the expedition from Kentucky would engage were contrary to the laws; and that foreigners were expressly prohibited from working mines until they should have become naturalized citizens. He was instructed to see that the regulations governing these matters be enforced and that the establishment of foreigners there be prevented until a colonization law should be passed establishing rules for their admission.[5] Toward the end of the same year Torrens reported that a mercantile expedition to Santa Fé had returned with more than four hundred horses and mules, a quantity of beaver skins, and a considerable amount of money.[6]

With the substitution in 1824 of trains of wagons for the earlier trains of mules or other pack-animals the trade passed the experimental stage and henceforth attracted the attention of merchants with more capital to invest and more influence. Memorials from Missouri people demanded provision for and protection of the trade. In January, 1825, Senator Benton introduced a bill into Congress (which was passed shortly after and approved on the last day of the Monroe ad-

[5] Alaman to Jefe Politico de Nuevo Mexico, 20 de agosto de 1823, La Diplomacia Mexicana, II, 17.

[6] Torrens to Secretario, 16 de diciembre de 1823, La Diplomacia Mexicana, II, 70.

ministration) providing for a commission to survey and mark out a road from the Missouri river to the Arkansas river, which was the international boundary according to the treaty with Spain. The President was also authorized to cause the marking of the road to be continued from the boundary to Santa Fé under regulations to be agreed upon between the two governments. The consent of the Indian tribes along the route was to be obtained for the marking of the road and its use by citizens of the United States and Mexico. Treaties were to be made with the Indians pledging protection for them.[7]

The measures taken by the Congress of the United States early in 1825 to establish and protect the trade with northern Mexico were watched with jealous interest by Obregon, who had reached Washington in the preceding autumn as minister from Mexico. He reported that the commerce from Missouri was attracting much attention; that consuls had been appointed to go to Santa Fé, Chihuahua, and Saltillo to look after the interests of the traders; that no salaries were provided for them; and that, since the fees would be insufficient to support them, they were to be permitted to engage in trade themselves. These facts and the character of the persons who were likely to desire such posts made it certain, he thought, that contraband trade would be engaged in. This necessitated the establishment at St. Louis of a Mexican consul to watch

[7] For the text of the bill, see Gales and Seaton's Register of Debates, 18 congress, 2 session, I, appendix, 102. See also Bancroft, History of Arizona and New Mexico, 333.

the trade, and to prevent fraud and the introduction of Anglo-American settlers.[8] On the receipt of this letter from Obregon the government at Mexico approved the establishment of a Mexican consul at St. Louis; and said that the United States consuls which had been appointed for Santa Fé, Chihuahua, and Saltillo would not be granted their exequaturs until the treaty between the two countries establishing provisions for the purpose had been agreed upon.[9] Obregon had been instructed to undertake no negotiation for such a treaty, and was told that it would have to await the arrival in Mexico of the minister whom the United States government was sending to Mexico.

The instructions which Poinsett had received just before his departure for Mexico included a copy of the act of Congress providing for the road. He was asked to assure the Mexican government that the project for the construction of this road had originated in a spirit of friendship for Mexico and a desire to open up commerce and friendly intercourse between the two countries by way of that route. It was supposed, Clay added, that Mexico would be willing to bear the expense of constructing the road within Mexican territory.[10]

On June 17, 1825, a little more than two weeks

[8] Obregon to Secretario, 30 de marzo de 1825, MS., Relaciones Exteriores.

[9] Secretario to Obregon, 28 de mayo de 1825, MS., Relaciones Exteriores.

[10] Clay to Poinsett, March 26, 1825, MS., Department of State, Instructions, X.

after Poinsett's reception by the President of Mexico, he addressed Alaman on the subject of the road, enclosing a copy of the act of Congress. He said that three commissioners had been appointed by the President of the United States and were proceeding to their work; that they were not to pass the boundary until an agreement had been reached with Mexico for the purpose; and that although the boundary was not yet agreed upon between the United States and Mexico yet the road was for mutual benefit and it would make little difference so far as it was concerned where the boundary should ultimately be located. He emphasized the friendly spirit in which the enterprise had been undertaken, and said he was authorized to receive from the Mexican government propositions for its completion and for regulating intercourse between the two countries. He described the route hitherto taken by the caravans, named the Indian tribes along it, told of the treaties being made with them, and said that the enterprise would probably have a wholesome effect on the Indians.[11] In his despatch to Clay of the next day enclosing a copy of this note, Poinsett said that Alaman was opposed to making any arrangement with reference to the proposed road until the question of the boundary line should be settled.[12]

It was more than a month after receiving Poinsett's

[11] Poinsett to Alaman, June 17, 1825, MS., Department of State, Despatches from Mexico, I. A copy of the same is in MS., Relaciones Exteriores.

[12] Poinsett to Clay, June 18, 1825, MS., Department of State, Despatches from Mexico, I.

note before the Mexican government replied. On July 20 Alaman said that he had delayed in the hope of being able to make proposals at the same time concerning other very important related matters; that it would not be easy to separate the negotiations concerning the road from those concerning limits and a general commercial treaty; that the Mexican government was convinced that the road would be useful and beneficial for both countries; and that Mexico would be disposed to concur in the plan of the United States. But the President thought that it would be better to undertake first the negotiation of the treaties of commerce and limits, leaving the arrangement for the road as a dependent matter.[13] In his despatch transmitting Alaman's note to Washington, Poinsett said he feared that the Mexicans were resolved to postpone marking out the road until a commission should have examined that portion of the country with a view to the settlement of the boundary line.[14] On July 27, in replying to Alaman's note, Poinsett said that he regretted the delay it would cause in marking out the road if the

[13] Alaman to Poinsett, July 20, 1825, MS., Department of State, Despatches from Mexico, I. The same in Spanish is in MS., Relaciones Exteriores. In this note Alaman declared the unwillingness of Mexico to make a boundary treaty until a commission should be sent to examine the country near the proposed boundary. He suggested that this should be a joint commission, and that it should be charged with completing the construction of the road. See below, the chapter on Texas and the Boundary Issue, and also that on Negotiations for a Commercial Treaty.

[14] Poinsett to Clay, July 22, 1825, MS., Department of State, Despatches from Mexico, I.

Mexican government should insist on concluding first the treaties of commerce and limits, or on waiting until a commission should explore the country; and that such postponement would injure the profitable commerce just coming into existence between New Mexico and the western states of the United States. He still hoped, he said, that the President of Mexico would alter his determination and authorize Alaman to enter into negotiations on the subject of the road.[15] About two weeks passed after receiving Poinsett's note before Alaman responded to it. In the meantime information had come which strengthened the determination of the Mexican government.

On August 5 that government had received from the governor of Chihuahua a report concerning the northeastern frontier country. This report had been written on May 13 in response to a request which the government had made on April 19 preceding. It described the country drained by the Missouri and the Arkansas rivers, telling of the contour and appearance of the prairie lands, of the numerous rivers affording drainage and water communication, of the crops for which the region was adapted, of the birds and animals, and of the Indian tribes inhabiting the country. The Anglo-Americans, he said, knew the region better than the Spaniards and Mexicans did; and because they knew of its resources they had taken advantage of Spanish ignorance to obtain it. The government of the United

[15] Poinsett to Alaman, July 27, 1825, MS., Department of State, Despatches from Mexico, I. The same is in MS., Relaciones Exteriores.

States was encouraging settlement in this country, the writer of the report added, and he thought the plan to open commerce with Mexico was for the purpose of fostering such settlements. When the old restrictions were relaxed, he said that goods began to come from the United States into the northern Mexican settlements at one third of their former cost; and that because of this the people welcomed the Anglo-Americans. He thought this trade would help to civilize the troublesome Indians, and would be to the advantage of the distant and detached territory of New Mexico; but he believed the consequent increase of Anglo-Americans in the neighboring territory of the United States might crowd more Indians back on the unprotected Mexican frontier. He thought that an effort should be made to preserve harmony with the United States; but that only such advantages should be conceded as would be compatible with Mexican interests. The country on the Mexican side, he declared, should be colonized by Mexico, and for this purpose an increase of forces was needed.[16]

[16] Governor Urquidi of Chihuahua to Secretario, 13 de mayo de 1825, MS., Relaciones Exteriores. The transcript of the report of which this is a condensed translation covers seven typewritten pages. Accompanying this report in the archives are numerous orders to various officials enclosing copies of it or portions of it and commenting on its significance. The most interesting is that to the secretary for war of August 5, 1825, asking that the necessary precautionary measures be taken. On October 26, following, Pedraza of the war department wrote to the office of foreign relations saying that troops had been sent to Chihuahua and New Mexico.

It was on August 10, five days after receiving this report, that Alaman wrote in reply to Poinsett's note of July 27, saying that the President found it impossible to hasten the time for concluding the arrangements concerning the road. He said that it would help to shorten the necessary delay and make it possible to afford some protection in the meantime, if Poinsett would be so kind as to report as soon as possible the results of the United States commission which was surveying the portion of the road on their side of the present boundary.[17] In transmitting Alaman's note to Clay, Poinsett said that he had made no further proposition since he considered it useless.[18]

When Clay received Poinsett's reports of the difficulties that he was encountering in trying to get the Mexican government to consent to the opening of the

[17] Alaman to Poinsett, August 10, 1825, MS., Department of State, Duplicate Despatches from Poinsett. The same in Spanish is in MS., Relaciones Exteriores. Having decided to postpone the opening of the road, it is interesting to notice the additional reason which Alaman discovered and urged. Poinsett had tried to spur the Mexicans to activity by saying that if the matter were not soon arranged still further delay would be occasioned because it would be necessary for Congress to act again and make additional provision. Alaman now said that because of the similarity of the Mexican constitution to that of the United States it would be necessary for the president of Mexico to submit to the Mexican Congress the matter of the road, just as the United States Congress had acted on the measure. But that could not be done until the next regular session, since the existing special session was prohibited by the constitution from considering any matter not named in the call for the special session.

[18] Poinsett to Clay, August 17, 1825, MS., Department of State, Duplicate Despatches from Poinsett.

road, he said in reply that the President of the United States regretted to learn of the reluctance of Mexico to agree to the measure. Clay declared that the road was intended for purely commercial purposes, and that no misconception could be greater than that it had originated in a desire for territorial acquisition. The road, he added, would be to the advantage of both countries; and if either could lose anything it would probably be the United States, since many enterprising citizens were likely to be induced to emigrate to the Mexican provinces. He observed that the road already existed in fact. It was merely proposed to render it plainer and more useful.[19]

The local authorities in New Mexico were vitally interested in the trade with the Anglo-Americans. In September, 1825, Storrs, one of the citizens of the United States who was then at Santa Fé, and whose report of the preceding year had been presented to Congress by Senator Benton early in 1825 when the latter was urging his bills for protecting the trade, wrote to Narbona, the governor of New Mexico, in reply to inquiries received shortly before. After answering specific questions concerning the trade and concerning the reports which he had made to his own government about it, Storrs insisted that the traders from the United States had not knowingly violated any of the laws of Mexico. He emphasized the sympathy which the United States had shown for the Spanish-American states while they were struggling

[19] Clay to Poinsett, September 24, 1825, MS., Department of State, Instructions, X, 225.

against Spain; cited the declaration of President Monroe against the expected interference of the European powers to assist Spain; and declared that the desire to open the proposed road arose not merely out of a wish to profit from the trade but to bind closer the interests of the two sister republics.[20]

In the spring of 1825, Escudero, a member of the legislature of the state of Chihuahua, set out from the city of that name to travel in the United States. He was interested in the trade and wished to study the institutions of the neighboring republic. He went by way of El Paso and Santa Fé. On June 9, while at the latter place, he was given a commission by Baca, then political chief of New Mexico, authorizing him to enter into arrangements with the authorities in the United States to check robberies and murders by Indians along the borders.[21] In accepting the commission Escudero said he would bear all of the expense himself.[22] After his arrival at St. Louis he entered into relations with William Clark, the superintendent of Indian affairs. The latter addressed a courteous note to Escudero on September 25 saying that the United States was desirous of seeing peace and security maintained along the border, telling of the commission which was at that time engaged in marking

[20] Augustus Storrs to Governor Narbona, Santa Fé, 25 de septiembre de 1825, MS., Relaciones Exteriores.

[21] Baca to Escudero, Santa Fé, 9 de junio de 1825, MS., Relaciones Exteriores.

[22] Escudero to Baca, Santa Fé, 9 de junio de 1825, MS., Relaciones Exteriores.

out the road and making treaties with the Indians for the protection of the citizens of both countries, and adding that there was a project on foot for establishing a military post on the Arkansas to protect the trade route; but declaring that he had no power to treat with Escudero.[23] Obregon in Washington, seeing newspaper accounts of the arrival of Escudero at St. Louis and of his attempt to treat with the authorities there, sent a despatch concerning the matter to his government on October 1.[24] Another report was sent by Obregon on January 16, 1826, saying that Escudero had come on to Washington and had there endeavored to take up the matter with the government. After conferring with him Obregon was convinced that the commission which he bore did not confer on him authority sufficient to treat with the United States government. Escudero had thereupon abandoned his efforts and returned to Mexico, asking Obregon to explain his mission to the government. Obregon added the suggestion that the central authorities at Mexico should inform the officials of the provinces concerning the proper method of treating with foreign powers.[25]

As soon as Obregon's first report of the matter, dated October 1, reached Mexico the central government wrote to the political chief of New Mexico de-

[23] Clark to Escudero, St. Louis, September 25, 1825, MS., Relaciones Exteriores.

[24] Obregon to Secretario, 1 de octubre de 1825, MS., Relaciones Exteriores.

[25] Obregon to Secretario, 16 de enero de 1826, MS., Relaciones Exteriores.

manding a full and circumstantial account of the mission.[26] In the meantime Baca had been replaced at Santa Fé by Narbona. The latter referred the matter to the former, and on January 30, 1826, received a reply enclosing a copy of the commission which had been conferred on Escudero on June 9, preceding. Baca gave as his motive his insatiable desire for the happiness of the region. Furthermore, he explained that the expedition involved no cost to the government, since Escudero bore all of the expense himself.[27] On February 4 Narbona despatched his predecessor's explanation to the government at Mexico.[28]

The commission which the Congress at Washington had provided for early in 1825 was appointed on March 16, by James Barbour, secretary of war, and proceeded to survey the portion of the road within the limits of the United States as established by the treaty with Spain. The commission consisted of George C. Sibley and two others.[29] They employed a

[26] Secretario to Jefe Politico, 9 de diciembre de 1825, MS., Relaciones Exteriores.

[27] Baca to Narbona, Santa Fé, 30 de enero de 1826, MS., Relaciones Exteriores.

[28] Narbona to Secretario, Santa Fé, 4 de febrero de 1826, MS., Relaciones Exteriores. In the documents Narbona is usually addressed as Governor instead of Political Chief, the term applied to Baca.

For a brief account of Escudero's mission, see Bancroft, History of Arizona and New Mexico, 334. He says: "Not much is definitely stated as to the nature and results of this mission."

[29] A copy of James Barbour to Benjamin H. Reeves, George C. Sibley, and Pierre Menard, Department of War, March 16,

surveyor and several assistants. The survey was begun on June 17, 1825, at Fort Osage,[30] on the Missouri river. It was completed to the Arkansas river, a distance of 416 miles, by September 11. The document which conferred the commission on them had informed them that arrangements would be made with the Mexican government for continuing their work from there to Santa Fé, and that additional instructions for the purpose would reach them by the time they got to the boundary so they could continue without delay. But their instructions were not there. They waited eleven days hoping to receive some word concerning them. Then two of the commissioners and most of the party returned to Missouri; but Sibley and the surveyor and a few others went on to

1825, is enclosed with Poinsett to Alaman, June 17, 1825, MS., Relaciones Exteriores.

Bancroft, History of Arizona and New Mexico, 334, and G. C. Broadhead, "The Santa Fé Trail" in Missouri Historical Review, IV, 314, both give Thomas Mather instead of Menard as the third member of the commission. The treaties made with the Osage and the Kansas Indians in 1825 were signed by Reeves, Sibley, and Mather. See American State Papers, Indian Affairs, II, 610. Doubtless Menard did not accept the commission, or resigned, and Mather was appointed instead. J. C. Brown of St. Louis was employed as surveyor. Brown's "Field Notes," giving minute descriptions of the route, including directions for travelers, distances between camping places, supplies of fresh water and of wood for fuel and other matters, have recently been published in the Eighteenth Biennial Report of the Kansas State Historical Society, 117–125.

[30] Broadhead, in the Missouri Historical Review, IV, 314, says that Fort Osage was on the site of the present town of Sibley, Missouri, near the Missouri river, twenty-five miles east of the western boundary of the state.

Santa Fé to be ready to cooperate in the following spring in any measures which the Mexican government might have taken by that time.

Sibley reached the neighborhood of Santa Fé late in October. From there he wrote to Poinsett at Mexico, telling what had been done, saying that the authorities in New Mexico had no instructions or advice concerning the survey, and urging Poinsett to tell him as soon as possible what the government at Mexico intended to do about the matter. He explained to Poinsett that the whole length of the proposed road would be about seven hundred and forty miles; "and," he said, "in the whole distance there is not an obstruction that ten men cannot easily remove in a few hours. In fact there cannot be said to be any obstruction. The country is level and the surface is firm; and, with the exception of some twelve or fifteen miles only, the whole distance is through an open prairie. . . . A few hundred dollars will be sufficient to remove all obstructions that lie in the way in the mountains. And if the Mexican government will take measures to secure the good conduct of the Indian tribes within their territory (who are in the habit of infesting the route and robbing travellers who are engaged in this trade to and from Missouri), there cannot be a doubt but the establishment of this great national highway will prove greatly beneficial to the citizens of both republics, and particularly to those of New Mexico."[31]

[31] Sibley to Poinsett, San Fernando, New Mexico, November 12, 1825, enclosed with Poinsett to Camacho, Secretary of Foreign Relations, January 18, 1826, MS., Relaciones Exteriores.

After Sibley had been for about two months in New Mexico he submitted to Governor Narbona a report of his work and a map showing the route. Besides the facts contained in the report to Poinsett, this told of the treaties made with the Indian tribes within the United States and of the intention of the United States government to establish a military post on the Arkansas river for the protection of the route against Indian attacks, and suggested that the lawless Indians within the Mexican borders could be easily restrained by the establishment of two similar posts between the Arkansas and the mountains, for which suitable sites could be found. He added that he could not for a moment doubt that the government of Mexico would not only sanction the establishment of the contemplated road but would also take effective measures to secure it from the depredations of Indian tribes within its jurisdiction.[32] On the next day after he had received Sibley's report Governor Narbona forwarded it to the government at Mexico asking that the proper instructions be sent to him for dealing with the situation.[33]

On January 18, 1826, shortly after receiving Sibley's letter of November 12, Poinsett handed it to the secretary for foreign relations. At the same time he communicated to the government the content of Clay's note of September 24, 1825, expressing the regret of

[32] Sibley to Narbona, Santa Fé, January 5, 1826, MS., Relaciones Exteriores.

[33] Narbona to Secretario, Santa Fé, 6 de enero de 1826, MS., Relaciones Exteriores.

the government of the United States at learning of the reluctance of the Mexican government to cooperate in opening the road, and saying that it was intended for purely commercial purposes and would have no effect whatever on the location of the boundary. To defer marking out the road, Poinsett added, and thereby deny to the merchants the benefit of it until a future arrangement could be made to which it had no necessary relation did not seem politic or advisable. In conclusion Poinsett declared: "As the commissioners on the part of the United States are on the spot, I cannot reject the hope that this government will revise its former decision on this subject and, if it does not aid the efforts of the commissioners of the United States, will at least permit them to accomplish the object of their appointment and complete the demarkation of this road from the frontier of New Mexico to the city of Santa Fé."[34] In writing to Clay on the same day Poinsett said that the President of Mexico had submitted to the Congress the question of opening the road, and had promised to endeavor to obtain an early decision. But the deliberations of that body, Poinsett added, were interminable. However as soon as a decision should be reached he would communicate it to the United States commissioner then waiting at Santa Fé.[35]

Three months more passed without a decision. Fi-

[34] Poinsett to Camacho, January 18, 1826, MS., Relaciones Exteriores.

[35] Poinsett to Clay, January 18, 1826, MS., Department of State, Despatches from Mexico, I.

nally on April 17, 1826, Poinsett wrote to the secretary for foreign relations saying that he was compelled again to bring to the latter's notice the matter of the opening of the road. He said that the commissioner of the United States, after waiting for several months at Santa Fé for an answer from the Mexican government, was about to return to the state of Missouri. "It would be a subject of regret," he added, "that the expense of making the journey to Santa Fé with surveyors and the necessary instruments should have been incurred in vain; and I beg Your Excellency to solicit the consent of His Excellency, the President of the United Mexican States, to the survey and marking out of the western section of the proposed road from Santa Fé to Missouri by Mr. Sibley on his return homeward."[36]

A little less than a month later, on May 13, 1826, the Mexican government wrote to Governor Narbona of New Mexico saying that in view of a note from the plenipotentiary of the United States the President of Mexico had decided to authorize Narbona to permit Mr. Sibley to survey the western part of the road. The work was to be limited, however, to the survey alone. He was not to cut down trees or erect marks along the route.[37] On the same day, Poinsett was informed of the orders which had been sent to the authorities at Santa Fé. He was told that for the pres-

[36] Poinsett to Secretary for Foreign Relations, April 17, 1826, MS., Relaciones Exteriores.

[37] Secretario to Gobernador del Nuevo Mexico, 13 de mayo de 1826, MS., Relaciones Exteriores.

ent it was impossible for the Mexican government to send an agent to cooperate with Mr. Sibley in the survey.[38] When these orders reached Santa Fé, Governor Narbona transmitted them on June 14 to Mr. Sibley, who acknowledged them five days later, saying that he would determine what he should do, in view of the very restricted permission, as soon as his colleagues, who were expected soon, should arrive.[39]

The writer does not have at hand certain proof of just what was done by the commission on the return. But it seems that the restricted instructions were obeyed to the letter, that the route was surveyed from the neighborhood of Santa Fé to the border on the Arkansas, but that no monuments were erected.[40]

[38] Camacho to Poinsett, 13 de mayo de 1826, MS., Relaciones Exteriores. An English translation of this note is in MS., Department of State, Despatches from Mexico, I, enclosed with Poinsett to Clay, May 17, 1826.

[39] Sibley to Narbona, Taos, June 19, 1826, MS., Relaciones Exteriores. He acknowledges Narbona's note of June 14, communicating the permission. Narbona to Secretario, 30 de junio de 1826, transmitted Sibley's reply to the government at Mexico.

[40] Broadhead, in Missouri Historical Review, IV, 315, says: "During 1826 the commissioners obtained authority from the Mexican government to examine routes in their territory; and a survey was begun at Fernando de Taos and ran to connect with the survey of the year before. . . . A map of the survey was placed in the office of the War Department at Washington City and was seen there only a few years ago." This article then goes on to describe two maps made by J. C. Brown, the surveyor employed by the commission, showing the route from Fort Osage to Santa Fé, and a third map showing the route from the United States boundary to Santa Fé. One of the first two, Broadhead says, is dated October 27, 1827, and bears

When Clay received Poinsett's report concerning the authorization which had been sent to Santa Fé for Sibley's return survey, he said: "The restricted permission given in regard to the proposed road from Missouri into the territories of the United Mexican States does not seem likely to be productive of much good."[41]

From this time, the middle of 1826, until the early part of 1830, with which date this study closes, very little mention is made in diplomatic communications concerning the Santa Fé road or the Santa Fé trade. In April, 1827, Poinsett wrote to Clay concerning a claim against the Mexican government which he had been asked to present for losses to merchants of the United States occasioned by an attack of Comanche

an endorsement by Colonel John I. Abert of the corps of engineers in 1844 saying that it is the original plat of the survey. He continues: "A manuscript atlas in the hand writing of Geo. C. Sibley shows route from boundary of Missouri to Fernando de Taos with notes and directions for travelers."

Bancroft, History of Arizona and New Mexico, 334, says: "The road was never marked by mounds beyond the Arkansas, and only in part to that river," citing Gregg and Prince as authority. He says also: "It does not appear, however, that the traders ever made use of the road as surveyed, preferring to follow the earlier trail."

The Eighteenth Biennial Report of the Kansas State Historical Society for 1911–1912, pp. 107–125, contains a valuable "Report of a Committee Appointed to prepare a correct Map of the Old Santa Fé Trail across the State of Kansas." To this is appended the map and the "Field Notes" of J. C. Brown, the surveyor, cited in footnote 29, above.

[41] Clay to Poinsett, June 23, 1826, MS., Department of State, Instructions, XI.

Indians. He said that those Indians were as likely to attack citizens of Mexico as citizens of the United States. If the latter should press claims which the former alike suffered he feared that Mexico might prevent such trade altogether, either by directly prohibiting it or indirectly hampering it. Further he said if such claims, even though always bona fide, should be pressed against the government of Mexico, then Mexican citizens might press similar but fictitious claims against the United States for losses within the borders of the latter. He believed a claim to be fraudulent which Escudero had made and received indemnity for on the ground that he had been plundered by Osage Indians. He said that Mexico was suspicious of the United States, and did not really desire the trade by way of the interior. The government was continually making complaint of the insolence of the traders from the United States and their sale of arms to the Indians; and was trying to put into the treaty an article prohibiting all trade with the Indians.[42]

In spite of insufficient protection, and consequent losses by Indian attacks, the Santa Fé trade continued to grow, with a few reverses. In 1829 the long expected military force was furnished by the United States to escort the traders.[43] In April, 1830, Van

[42] Poinsett to Clay, April 13, 1827, MS., Department of State, Despatches from Mexico, II. For payment of Escudero's claim see Clay to Poinsett, January 5, 1827, MS., Department of State, Instructions, XI, 227.

[43] In response to a resolution of the United States Senate,

Buren, then secretary of state, wrote to Butler, the chargé at Mexico, telling of the army contingent which the United States was equipping to protect the trade with northern Mexico; and instructed him to endeavor to induce the Mexican government to supply a similar force to meet the caravans on the frontier and escort them to the civilized settlements in Mexico. Or if this was impossible he was to try to get the consent of that government for the United States troops to guard the caravans to the nearest civilized Mexican settlements. The last, he was told, would be a very delicate matter.[44]

a report was made by the War Department January 10, 1827, on the "expediency of providing for the establishment of a military post on the trading route between Missouri and Mexico for the protection of that trade." The report advised against the establishment of a permanent post because of the great length of the route to be protected, the great distance a post on the Arkansas would be from the nearest settlements, and the consequent difficulty of keeping the post supplied. It suggested instead that an armed force should be provided to travel with the caravans, having a place of rendezvous, only, on the Arkansas. See American State Papers, Military Affairs, III, 615.

Major Riley was in command of this first escort. He and his command accompanied the wagon train in 1829 to the Arkansas where he expected to turn back. But Indians attacked the train a few miles beyond the Arkansas, and the traders appealed to Riley for protection. He crossed into Mexican territory and drove away the Indians, and continued with the train as far as the Cimarron [Semirone in the document], where he turned back. After his return to Ft. Leavenworth he sent a report to the War Department. See American State Papers, Military Affairs, IV, 277.

[44] Van Buren to Butler, April 1, 1830, MS., Department of State, Instructions to American States, XIV, 176.

The commercial treaty which Butler concluded with the Mexican government on April 5, 1831, and which was ratified just a year later contained an article intended to regulate the trade by this route. It declared: "For the purpose of regulating the interior commerce between the frontier territories of both republics, it is agreed that the executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the supreme executive of each nation shall, by mutual agreement, in like manner, fix on the period of departure for such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, the commercial intercourse between the state of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each government affording the necessary protection to the citizens of the other."[45]

Writers of popular narratives of events along the trail tell of United States troops escorting wagon trains to the Arkansas, and sometimes into Mexican territory, and of the coming of Mexican troops to meet and escort traders to Santa Fé.[46]

[45] United States, Treaties and Conventions, 1776–1909, I, 1095.
[46] In the books cited in footnote 1, above.

CHAPTER VI

Denunciation of Poinsett Because of His Relations with the York Masons

In spite of clerical opposition, Masonry was already flourishing in Mexico before Poinsett's arrival in 1825. But all of the lodges hitherto fully organized and having a charter belonged to the Scottish rite. The secrecy of the lodges made them a fertile field for the growth and spread of political doctrines. The centralista faction dominated them everywhere and their influence was reactionary. Federalistas felt that it was necessary to oppose their influence in order to prevent a return to the monarchical system.

Just at the time when the changes were occurring in the government which Poinsett spoke of as the organization of an American party, and when that party was getting control of the cabinet,[1] lodges of York rite Masons began to be organized. They immediately spread with great rapidity, were everywhere controlled by federalista partisans, and soon began a violent political agitation against the supposed European and monarchical tendencies of the centralistas exerted through the Scottish rite lodges. A bitter hostility sprang up between the two rites, which shortly either absorbed or obscured all other issues and caused the

[1] Discussed above in the chapter entitled British Influence in Mexico, and Poinsett's Struggle Against it.

two chief political parties to abandon their old names for the respective designations of the rival rites. Poinsett's relations with the York rite leaders, which became manifest at the time when they were securing control of the government, were the chief cause of the fierce denunciations which the defeated faction soon began to hurl at him, and which interfered so seriously with the conduct of his negotiations.

In his correspondence at the time of their formation, Poinsett did not hesitate to acknowledge that he had taken part in their organization. In a letter of October 14, 1825, to Rufus King in London, he said he had encouraged and assisted in their organization and had entertained the members at his home. The meeting had been reported to Ward, the British chargé, by Tornel as having been entirely political; and that gentleman had been given a false notion of the toasts. Subsequenly Ward had given a diplomatic dinner to the secretaries of state and foreign ministers to which he had not invited Poinsett. At this dinner Ward's friends had indulged in toasts allusive to pending negotiations between the United States and Mexico of not a very friendly tenor, and those toasts had been published at Ward's request. The factions which Poinsett classed as the enemies of the government,—the European Spaniards, the Bourbonistas, and the centralistas,—had been displeased, he said, at the good understanding that had hitherto existed between the representatives of England and the United States, and had worked on Ward to break

it up. In closing, Poinsett said he would await information from King concerning opinion in London about Ward's activities before he attempted to retaliate for the insult which he felt Ward had offered.[2]

Later in explaining to Clay the attack of the legislature of the state of Vera Cruz upon him, discussed below in this chapter, Poinsett said the most serious charge made against him was that he had established the York Masons; and explained to Clay just what part he had taken in their organization. He regretted that Masonry should have been made an instrument of political intrigue. He said that lodges of York Masons had already existed in Mexico before his arrival, but that they were without charters. Members of these had asked him to secure a charter from the grand lodge of New York, which he had not hesitated to do. The persons who made the request were all members of the government or interested in maintaining the existing order of things and in preserving the tranquility of the country. He said they were General Guerrero, a distinguished revolutionary officer; Esteva, secretary of the treasury; Arispe, secretary of grace and justice; Zavala, a member of the Senate and later governor of the state of Mexico; and Alpuche, a member of the Senate. He said he had no notion that such men had in view any project to disorganize the government. As soon as the Yorkinos were publicly accused of perverting the organization to political purposes, he said he had withdrawn from

[2] Poinsett to Rufus King, October 14, 1825, MS., Department of State, Despatches from Mexico, I.

their meetings. But he excused them by saying that the Scottish rite Masons had long been organized, and that their opponents had only followed their example in political activity. He said further that the progress of the Yorkino cause had been so rapid as to lead the people to attribute it to some secret cause. They see in this "the direction of some able hand, and have thought proper to attribute the success of the republican party, the consolidation of the federal system, and the establishment of liberal principles exclusively to my influence."[3]

Zavala, to whom Poinsett referred as friendly and useful and a leading member of the Yorkino lodge, later published a brief account of the formation of the lodges. He says the project was formed by Alpuche and joined by Esteva, Arispe, Victoria and others; that its purpose was to oppose the Escoceses (Scots); that five lodges were formed; and that Poinsett was then asked to obtain for them a charter from the grand lodge of New York. This step and the installation of the grand lodge in Mexico, he says, was the only interference by this American, who, he continues, because of his share in the movement has been calumniated by aristocrats and various European agents in Mexico who have taken more part than he in the affairs of the country.[4] Tornel, the bitter enemy of

[3] Poinsett to Clay, July 8, 1827, MS., Department of State, Despatches from Mexico, III.

[4] Zavala, Ensayo Historico, I, 346. This was published in 1831. On page 385 he says: "los periódicos del otro bando le acusaban de haber faltado á la primera obligacion de un min-

Poinsett, gives an account as prejudiced against him as Zavala's is in his favor.[5] Nearly every writer on Mexican history of this period has expressed an opinion on Poinsett's merit or demerit in the matter. Most of these writers have followed either Tornel or Zavala, and show their prejudice either for or against him.[6]

Poinsett did not say that the purpose of the movement was political, neither did he say that it was not,

istro extrangero, que es la de no mezclarse en las cuestiones interiores del pais en que egercen su mision, y en donde no estan de consiguiente sugetos á los leyes comunes. La acusacion en el fondo era injusta." On page 339, he pays a glowing tribute to Poinsett's ability and acknowledges his uninterrupted friendship, which shows, of course, that he is a prejudiced witness.

[5] Tornel, Breve Reseña, 45.

[6] Accounts bitterly condemning him are: Alaman, Historia de Mejico, V, 822, 824; Bocanegra, Memorias para la Historia de Mexico, I, 382, 389–395, II, 13, 17–22; Rivera, Historia de Jalapa, II, 366–369; and Zamacois, Historia de Mejico, XI, 620.

H. H. Bancroft, History of Mexico, V, 32, quotes Zavala and exonerates Poinsett. Romero, Mexico and the United States, 349, says, "It seems that while he desired the success of the Yorkinos, he was not the founder of that lodge." Robinson, Mexico and Her Military Chieftains, shows his lack of accuracy by saying, page 146, "Mr. Poinsett, it may be presumed, never had any connection with either branch of the order in Mexico." McMaster, History of the People of the United States, V, 540, states correctly but very briefly the part Poinsett took in organizing the lodges. Yoakum, in Comprehensive History of Texas, I, 124, gives a brief and substantially correct statement.

Rives, United States and Mexico, 1821–1848, I, 164–165, also gives a brief and substantially correct account, though he seems unnecessarily harsh in his criticism of Poinsett, and says little about the extenuating circumstances.

Justin H. Smith has recently published a defense of Poinsett in the Proceedings of the American Antiquarian Society.

although he said that it had been reported to be such. However, the fact that the organization was effected at the very time that he was forming what he repeatedly spoke of as an American party, and that the leaders of that party were also leaders in the lodges, is presumptive evidence that he had some notion of the use to which they would be put. But later when the Yorkinos had enjoyed a phenomenal growth and when the names of the old centralista and federalista parties had everywhere been abandoned for the respective designations, Escoceses and Yorkinos, he said, in August, 1826, that he was sorry the Masonic meetings had become political. But he suggested an excuse for the faction which he favored by saying that the Escoceses had long existed and been hostile to the United States before the Yorkinos were organized.[7] Two months later he reported that the election which had just taken place for members of the state legislatures had gone generally in favor of the Yorkinos. The legislature of the state of Mexico, hitherto controlled by the Escoceses, all of whom had been defeated in the election, refused to yield their seats to their victorious rivals. Thus triumphant in the state elections of 1826, the Yorkinos

[7] Poinsett to Clay, August 26, 1826, MS., Department of State, Despatches from Mexico, II. In this he said there was a third party called Los Piadosos, opposed to all Masonic influence, but that it received almost no support. In January he had written that Masonry was flourishing and that, except the president, all the cabinet and all the leading men in the country were Masons, even some of the higher clergy being members.

planned already to capture the presidency two years later; and Poinsett knew their plans. In a cipher paragraph of this despatch of October 21, 1826, he said: "The man who is held up as ostensible head of the party and who will be their candidate for the next presidency is General Guerrero, one of the most distinguished chiefs of the revolution. Guerrero is uneducated but possesses excellent natural talents, combined with great decision of character and undaunted courage. His violent temper renders him difficult to control, and therefore I consider Zavala's presence here indispensably necessary, as he possesses great influence over the general." He had just told of Zavala's having been offered the position of Mexican minister to the United States and said: "I was not sorry that he declined it; he is one of the most efficient leaders of the party friendly to the United States, the Yorkinos, and is more useful here than he would be in Washington." He told of the schemes of those in the cabinet who were endeavoring to rid that body of the Yorkino dominance, said they exercised great influence over the indecisive character of the President, and declared that if their schemes succeeded that official would find himself, as before Poinsett's arrival, surrounded by a few supporters hostile to the majority in Congress and the country.[8] A month later he reported that there were election disturbances; but that he did not expect a violent rup-

[8] Poinsett to Clay, October 21, 1826, nearly all of the facts here given being in cipher, MS., Department of State, Despatches from Mexico, II.

ture, and was using every effort on his part to prevent such.[9]

In the latter part of June, 1827, Poinsett was publicly and violently arraigned in a long manifesto issued by the legislature of the state of Vera Cruz. It declared that "a sagacious and hypocritical foreign minister as zealous for the prosperity of his own country as inimical to ours," being jealous of Mexican prosperity which would soon eclipse that of his own country, and jealous also of the friendly relations of Mexico with Great Britain which might prove disadvantageous to the interests of the United States, had established the York Masons, a hundred times more dangerous than twenty battalions of the tyrant of Spain. For an invading army would be met as an enemy by a united country; but the Yorkinos had been organized to destroy the Escoceses and the consequent internal dissensions were diffusing a want of confidence throughout the country, dividing it against itself. It declared that the Escoceses well deserved destruction for their ambition and centralist tendencies; but that many moderate men of that faction had been displaced that their positions might fall to their more ambitious opponents. It declared both Yorkinos and Escoceses injurious, and demanded the enforcement of laws already existing which prohibited all Masonic associations.[10]

[9] Poinsett to Clay, November 15, 1826, MS., Department of State, Despatches from Mexico, II.

[10] Manifesto of the Congress of Vera Cruz to the Mexican Nation, June 19, 1827, translation covering twenty-six manu-

A short time after this violent attack, Poinsett published in Spanish a pamphlet which he called "An Exposition of the policy of the United States toward the Republics of America," replying to the charges in the manifesto. He reviewed at length the uniformly friendly policy of the United States and of himself for Mexico, and declared that far from being inimical to the prosperity of Mexico or the other republics the United States "are desirous to see their neighbors wealthy and powerful in order that they may be more efficient allies and more profitable customers." He quoted from a discourse which he had himself pronounced in favor of the recognition of these states in which he had expressly refuted the argument that their prosperity would hurt the United States. Further the United States were far from thinking the friendship of Great Britain for Mexico injurious to them. On the contrary the United States invited Great Britain to join them in recognizing the new states; and when that was not done urged Great Britain to follow their example, and rejoiced when she did. In answer to the charge that he was con-

script pages, enclosed with Poinsett to Clay, July 8, 1827. MS., Department of State, Despatches from Mexico, III. A printed copy in Spanish is in the volume of Duplicate Despatches from Poinsett. The manifesto declared also that many Iturbidistas were members of the York lodges, and that their purpose was to bring about the return of the empire with Iturbide's son at its head. This Poinsett considered too absurd to need argument. It is, however, a fact that later Iturbidistas cooperated with the Yorkinos; but that was probably because Bourbonistas cooperated with the Escoceses.

trolling the prevailing party in the federal government, he argued that the vexatious delays in his negotiations proved the falsity of it. He declared that he had had no part in the perversion of the Masonic lodges to political purposes, and that since they had been so perverted he had withdrawn from their meetings. He insisted that he had not interfered with the internal concerns of the country unless advocating the superiority of republican institutions and explaining the workings of United States institutions be considered interfering.[11]

In his long letter of July 8, 1827, already mentioned, Poinsett explained to Clay the situation and the events that led up to it. He said he had abstained from demanding satisfaction for this unprovoked and unjustifiable insult because the state of Vera Cruz had recently committed acts of rebellion against the sovereignty of the federal government and was then maintaining a defiant attitude. There was hardly any way short of civil war that the federal government could have forced the state to give satisfaction. If he had demanded satisfaction and had not promptly received it he would have been compelled to demand his passports and leave the country, placing the United States

[11] Poinsett's Exposition of the Policy of the United States toward the Republics of America, dated July 4, 1827, enclosed with Poinsett to Clay, July 8, 1827, MS., Department of State, Despatches from Mexico, III. A printed copy in Spanish is in the volume of Duplicate Despatches from Poinsett. It is also in print in pamphlet form, though rare. English translations of it were printed in various newspapers at the time. The manuscript copy covers sixteen pages.

and Mexico in collision, which he thought the governing faction in Vera Cruz desired. He regretted that the legislature of Vera Cruz had thus violated the law of nations and every principle of decency and good faith by publishing suspicions derogatory to the character of a friendly nation and the reputation of a foreign minister. But they were also guilty of violating the federal constitution. The maintenance of the federal form was sure to involve the central and local governments in disputes concerning sovereignty. The other states were giving proofs of attachment to the federal government and the state of Vera Cruz would have to submit. The general government had lamented the attack but was slow in acting and hitherto had lacked the energy to make itself obeyed in the state of Vera Cruz. He said the errors of Mexico ought to be viewed with indulgence. Their long period of political tutelage to Spain and their lack of experience in dealing with foreign nations was their only excuse. It was not strange that they should confuse the duties and rights of different organs of government. He said he had always made every effort to show the friendly disposition of the United States, and rendered cheerful service to those who applied for advice or assistance in the framing of laws or in understanding the working of constitutional principles. He had uniformly exhorted them to submit to any temporary evil rather than resort to violence. This conduct had drawn upon him the odium of those who sought to overthrow liberal institutions. The neces-

sity for thus defending his conduct was painful, he said, but there was no alternative.[12]

Before this explanation had been received at Washington, Sergeant had returned from Mexico where he had gone to cooperate with Poinsett in the mission to the congress at Tacubaya, the unsuccessful attempt at a continuation of the Panama congress of the preceding year. President Adams entered in his diary on August 1 the statement that "Mr. Sergeant thinks not favorably of the proceedings of Mr. Poinsett during his residence in Mexico." Adams also says that Sergeant had handed him a private letter from Poinsett in which the latter said he had received an intimation from the President of Mexico that his recall would be demanded.[13] Obregon wrote his government that in a conference some time in August Clay had expressed disapproval of Poinsett's conduct in so far as he had mixed in the internal affairs of the country. When the news of the Vera Cruz attack first arrived, about the middle of August, the National

[12] Poinsett to Clay, July 8, 1827, MS., Department of State, Despatches from Mexico, III. This letter covers twenty manuscript pages. Much of it is occupied with a review of the origin, composition, and principles of the Scottish party, of the part Poinsett had taken in the organization of the York Masons, and of the political activities of the Yorkinos to counteract that of the Escoceses. See above, this chapter.

Rivera, Historia de Jalapa, II, 426, gives a brief study of the Vera Cruz Manifesto and the attendant rebellious movements in the state of Vera Cruz. Most of the other Mexican historians cited in notes 4–6, above, also discuss the manifesto.

[13] Adams, Memoirs, VII, 312.

Journal had expressed the same sentiment as Clay; but on August 31 the National Gazette had praised Poinsett's conduct, and a few days later both the National Intelligencer and the National Journal approved it. Consequently Obregon thought the government must have received further information convincing them that Poinsett's conduct was excusable, since one of these papers was official and the others were supporting the administration. The action of the legislature of Vera Cruz was looked upon as revolutionary, he said, and as showing a lack of respect for the federal government. It had been intimated to him that Poinsett would probably be recalled in spite of his conduct being approved.[14] It was on August 31 that the Department of State received Poinsett's letter of July 8 with the enclosed manifesto and his answer.

But Adams and Clay did not act precipitately nor enthusiastically in exonerating Poinsett. It was almost three months after the receipt of his explanation before they passed judgment. On November 19, 1827, Clay wrote Poinsett that the President approved his conduct and did not consider that he had interfered in the politics of Mexico, *since no complaint had come from the Mexican government of his conduct*. It was thought best to make no formal complaint of the act of the Vera Cruz legislature. But Poinsett was asked to remonstrate informally with the

[14] Obregon to Secretario, 13 de septiembre de 1827, MS., Relaciones Exteriores.

President of Mexico, and say that if the Mexican government had any complaint to make concerning Poinsett the government of the United States was ready to receive such complaint in the regular manner. In conclusion Clay said that the President did not desire the termination of Poinsett's mission; but if his position had become unpleasant, and if he desired to return, he might do so. It had been rumored, he was told, that he was thinking of returning. The matter was left entirely to his own feelings and discretion.[15]

While the polite circumlocution of Clay left the matter optional with Poinsett, yet it was not very far removed from a gentle hint that Poinsett's voluntary return might be more desirable than his remaining at Mexico. It is interesting to note that the only reason given why the President did not consider that Poinsett had interfered in the politics of Mexico was the fact that "no complaint had come from the Mexican government of his conduct." If that government had been as friendly toward Poinsett as the opposition supposed and charged, it would not have been expected to complain of his conduct, although he should have been doing what the opposition, or even an unprejudiced judge, might have called interfering in the politics of Mexico.

It is the writer's belief that in this, as in other acts for which Poinsett was severely criticized, he was conscientiously doing what he thought was for the highest

[15] Clay to Poinsett, November 19, 1827, MS., Department of State, Instructions, XII, 36.

good of Mexico, even at the risk of incurring hostile criticism or of doing what might be technically termed interfering. Far from being the only, or the last, public criticism of his conduct the Vera Cruz manifesto was destined to be followed by many, and more violent, attacks.[16]

[16] See below, chapter X.

CHAPTER VII

Obstacles in the Way of Concluding a Commercial Treaty

The instructions which were to guide Poinsett in negotiating a treaty of amity, commerce, and navigation with Mexico were contained in his general instructions given by Clay on March 26, 1825.[1] It will be recalled that he was instructed to say that the United States had not claimed and would not claim any special favors or concessions in return for the service rendered Mexico and other Spanish-American states by recognizing them before other powers were willing to take such a step and by warning other powers against aiding Spain to regain her lost colonies. But the United States government did expect that those states, and especially Mexico, would not extend to any European states "any favors or privileges which shall not be equally extended to us." As a model which Poinsett should follow in a general way, he was given a copy of a treaty which had been concluded in the preceding October with the republic of Colombia.[2] A copy of the instructions which had

[1] See above, chapter II, on Tardy Appointment and Cool Reception of the First United States Minister to Mexico.

[2] For the treaty with Colombia, see American State Papers, Foreign, V, 697.

guided Anderson in negotiating that treaty were included as a part of Poinsett's instructions.[3]

About six weeks after his reception in Mexico, Poinsett had his first conference with Alaman, then secretary for foreign relations, on the proposed treaty negotiations. At that meeting it was agreed to separate the two most important matters, commerce and boundaries, and conclude a special treaty for each. A difference of opinion concerning the method of procedure in locating the boundary line made it impossible to reach a speedy conclusion in that matter.[4] Poinsett expressed a wish that the commercial treaty might be concluded early enough to enable the Mexican Congress to approve it in time to send it to Washington before the opening of the next session of the Congress there. Alaman said that was one of the objects in calling the special session of the Mexican Congress which was to convene the following month.[5]

On August 10, 1825, Alaman informed Poinsett that the Mexican negotiators were ready to proceed at once with the negotiations for the commercial treaty. President Victoria had appointed Esteva, secretary of the treasury, to act with Alaman in the negotia-

[3] Clay to Poinsett, Instructions, March 26, 1825, MS., Department of State, Instructions, X, 225; American State Papers, Foreign, V, 908, or VI, 578.

[4] See below, chapter IX, on Texas and the Boundary Issue.

[5] Poinsett to Clay, July 18, 1825, MS., Department of State, Despatches from Mexico, I; House Executive Documents, 25 congress, 1 session, number 42, page 19; British and Foreign State Papers, XXVI, 831.

tion.[6] On August 22, the negotiators had their first conference, at which their respective full-powers were exchanged, and an agreement was reached that Poinsett should draw up a projet of a treaty and present it at the next conference as a basis for discussion.[7]

The second conference was held on September 13, about three weeks after the first. In the meantime Poinsett had drawn the projet as agreed. The fourth article contained a provision to which the Mexican negotiators immediately objected. Its purpose was to define the privileges which United States merchants, vessels, and goods should enjoy in the ports of Mexico, and, reciprocally, the privileges which Mexican merchants, vessels, and goods should enjoy in the ports of the United States. In drawing this article, Poinsett had followed the instructions which he had received from the State Department before leaving Washington.

In those instructions Clay had called attention to the fact that the Colombian treaty which he was enclosing as a model for Poinsett to follow in most regards contained a provision securing the "most favored nation" treatment for the merchants of each in the ports of the other.[8] This, he said, was the old

[6] Alaman to Poinsett, August 10, 1825, MS., Department of State, Duplicate Despatches from Poinsett.

[7] Protocol of First Conference, August 22, 1825, Mexico, Tratados y Convenciones, II, 61 and 90; American State Papers, Foreign, VI, 583. For Poinsett's projet, see the last, 601.

[8] The provision of the Colombian treaty was as follows: Article 3, "The citizens of the United States may frequent all the coasts and countries of the republic of Colombia, and

rule but its application frequently involved nations in difficulties and misunderstandings. It was often very difficult for one government to learn just what favors or privileges had been granted by the government of another nation to the merchandise of a third nation. Poinsett was instructed to endeavor to establish "the more liberal footing of reciprocity between the resident citizen and the foreigner. . . . By placing the admission into the ports of Mexico of a vessel of the United States and her cargo, being of their produce or manufacture, upon the same footing with the admission into those ports of a like cargo imported in a vessel owned by a resident citizen of Mexico, and *vice versa,* the simplicity which it is desirable the rule should possess will be secured." Just before stating the new rule Clay said: "It is better to avoid sowing the seeds of all collisions and misunderstandings; and that desirable object the President thinks will be best accomplished by adopting a plain and familiar rule for the two parties themselves, instead of referring each of them to that complicated rule which may hap-

reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the subjects and citizens of the most favored nations.

"In like manner the citizens of the republic of Colombia," etc., as above, the names only being changed. American State Papers, Foreign, V, 697.

pen to exist between either and third parties." It was anticipated that Poinsett would experience no difficulty in inducing Mexico to adopt the new simple rule. But if he should be unable to induce Mexico to treat on this basis, then he was authorized to follow the "most favored nation" rule of the Colombian treaty.[9]

The Mexican plenipotentiaries declared the new rule inadmissable in the present state of their commercial marine; for, on account of the very superior tonnage of the merchant marine of the United States, the principle of reciprocity would work wholly to the latter's advantage. Poinsett did not easily yield the point. He urged that his government desired to introduce the principle into their treaties with all nations. Ten European states, some large and some small, had already admitted it. Between some of them and the United States as great disparity of tonnage existed as between the United States and Mexico.[10] The Mexican negotiators said that the British plenipotentiaries had endeavored to introduce into the treaty between Great Britain and Mexico the same principle which Poinsett was urging; but the Mexican government had refused for the "reasons just assigned, and therefore could not, with propriety or

[9] Clay to Poinsett, Instructions, March 26, 1825, MS., Department of State, Instructions, X, 225; American State Papers, Foreign, V, 908, or VI, 578.

[10] The nations were Great Britain, Russia, Netherlands, Prussia, Hamburg, Bremen, Lübeck, Oldenburg, Norway, and Sardinia.

consistency, agree to introduce it into a treaty with the United States." Still Poinsett was not ready to yield; and it was agreed that he should present a note explaining his views on the matter.[11]

Instead of the article which they objected to in Poinsett's projet the Mexican plenipotentiaries urged the substitution of the fourth article of the treaty, just referred to, which had been concluded with Great Britain but not yet ratified. Besides providing for the "most favored nation" treatment of the merchandise of either nation in the ports of the other (which Poinsett was authorized to agree to and would probably have accepted), it contained an additional provision to which Poinsett objected most emphatically. This was in the form of an exception to the "most favored nation" rule, and was intended by Mexico to be a means

[11] Poinsett to Clay, September 13, 1825, MS., Department of State, Despatches from Mexico, I; American State Papers, Foreign, V, 852; British and Foreign State Papers, XIII, 455. Protocol of Second Conference, September 13, 1825; American State Papers, Foreign, VI, 583; Mexico, Tratados y Convenciones, II, 62 and 91.

In view of the fact that one of the reasons for the rejection of the British treaty was the provision in its seventh article defining what should be considered a Mexican vessel, it is interesting to note that, when in this second conference the Mexican negotiators insisted on introducing the same provision into the treaty with the United States, Poinsett said the British plenipotentiaries had in this matter conceded a great deal; but since his government desired to foster the commerce of the American republics, he would act with equal liberality and admit an article in the same terms. For the rejection of the British treaty, see above, chapter III on British Influence in Mexico.

for strengthening the bonds of sympathy between Mexico and the other new Spanish-American countries.

After the customary statement of the rule and the declaration that any concession or particular favor granted by either to any third nation should be immediately extended to the other of the contracting powers, it added "excepting only the American nations which were formerly Spanish possessions, to which on account of the fraternal relations that unite them to the United Mexican States the latter may grant special privileges which shall not be extended to the dominions and subjects of H[is] B[ritannic] M[ajesty]." Poinsett objected to the exception, declaring that no distinctions should be introduced into the relations of the different members of the American family of nations. It was to the interest of the European powers, he argued, to introduce such distinctions; but he insisted that the republics of America were all united by the same interests to oppose the European system. The policy of the United States, he said, gave them a right to expect that no such distinctions should be made. Furthermore he declared that the United States already had a treaty with Colombia which did not contain any such provision, hence the exception would be rendered nugatory so far as that state was concerned. Probably the treaties with Chile and Buenos Ayres were also concluded; and certainly they would contain no such provision. The Mexican plenipotentiaries injudiciously suggested that war might dissolve the treaties between the United States and

those Spanish-American countries, in which case Mexico might wish to show her sympathies with the latter. Poinsett replied that this was conclusive evidence why his nation should never accede to such a provision.

This exception to the "most favored nation" rule and also the new "perfect reciprocity" rule were reserved for further discussion. After disposing of several minor matters this second conference adjourned. In Poinsett's letter to the government at Washington, written the same day on which this conference was held, he declared in cipher, "I most strenuously opposed the exception above cited, and, as at present advised, will never sign a treaty on such terms." He added the statement that the President and plenipotentiaries of Mexico were obstinately bent on carrying this point, and earnestly asked if Clay thought he ought to yield it.

Five days after the second conference Poinsett addressed to the Mexican plenipotentiaries his note setting forth his views in support of his claim that the "perfect reciprocity" rule of the projet was superior to the "most favored nation" principle which they desired to substitute for it.[12] On the following day, September 19, the third conference was held. Most of the remaining articles of the projet were considered. Some were adopted. Others were reserved for future discussion.[13]

[12] Poinsett to Mexican Plenipotentiaries, September 18, 1825, American State Papers, Foreign, VI, 585; Mexico, Tratados y Convenciones, II, 95.

[13] Protocol of Third Conference, September 19, 1825, Ameri-

At this juncture the progress of the negotiation was disturbed by the ministerial revolution which Poinsett took an active part in and which replaced what he called the British party with what he referred to as an American party, composed of those who were friendly to him, to the federal system, and to the influence of the United States. Alaman, the minister for foreign relations and chief negotiator of the treaty then being discussed with Poinsett, resigned.[14] To succeed Alaman, Camacho was chosen. He was not in Mexico at the time. His absence threatened to suspend Poinsett's negotiation. Being anxious to conclude it in time for it to reach Washington before President Adams's annual message to Congress, Poinsett urged President Victoria to permit Alaman to continue the discussions. If that were impossible he asked that some one be appointed temporarily to act as negotiator. Pedraza, the secretary for war, was thereupon made minister for foreign relations *ad interim* and given full powers. He presented his credentials at the fourth conference, on September 27, and the negotiation proceeded. Several minor matters were disposed of and some time was spent in consideration of the most important unsettled matter, that is, the exception in favor of the Spanish-American States.[15]

can State Papers, Foreign, VI, 586; Mexico, Tratados y Convenciones, II, 66 and 97.

[14] For the ministerial changes, see above, chapter III.

[15] Poinsett to Clay, September 28, 1825, MS., Department of State, Despatches from Mexico, I; American State Papers, Foreign, V, 852; British and Foreign State Papers, XIII, 416.

At the fifth conference, which occurred on September 28, an earnest effort was made to conclude the negotiation immediately. The secretary of the treasury, who was one of the negotiators, had found it necessary to leave Mexico city and spend some time at Vera Cruz. If it were not concluded before his departure the delay would defeat the plan to get it to Washington before Congress should assemble. The proposed exception in favor of the commerce of the former Spanish colonies occupied the entire time of this fifth conference. The Mexican plenipotentiaries said that President Victoria was so decided with reference to the exception that they feared it would be impossible to conclude a treaty without it.

In the forenoon of this day, before the conference began, an attempt was made through an unofficial agent to reach a compromise. This agent was the priest Arispe with whom Poinsett claimed to be on intimate terms and who had been useful to him in effecting the ministerial revolution. It will be recalled that in the earlier conferences one of Poinsett's chief arguments against the exception was that Colombia, and probably also other Spanish-American states, had made treaties which would render the exception nuga-

The last paragraph of Poinsett's letter is omitted in the published documents. Protocol of the Fourth Conference, September 27, 1825, American State Papers, Foreign, VI, 588; Mexico, Tratados y Convenciones, II, 69 and 101. Protocol of the Fifth Conference, September 28, 1825, American State Papers, Foreign, VI, 588; Mexico, Tratados y Convenciones, II, 71 and 102.

tory. The compromise which Arispe was sent to suggest to Poinsett was "to annex a condition, that the exception should extend only to those Spanish-American nations who would treat with Mexico on the same terms." Poinsett replied that he would have to persist in his objection, since any distinctions at all among the nations of America would in his opinion be destructive of the best interests of the hemisphere. Poinsett's visitor appeared to be convinced and went away promising to use his influence to induce the President and plenipotentiaries to yield the point.

To meet Poinsett's objection that Great Britain would probably refuse to ratify the exception the plenipotentiaries proposed the insertion in the treaty with the United States of a proviso declaring, "with respect to the exception . . . it shall be understood in the same terms which finally shall be agreed upon . . . between Mexico and England." But Poinsett answered that he would rather leave it as it stood than consent to be governed by the decision of Great Britain. They then raised the question as to their situation in case their treaty with England, contrary to Poinsett's belief, should be ratified after they had consented to make a treaty with the United States without the exception. Poinsett did not reply directly; but he argued the improbability that Great Britain would ratify it. However he urged that the interests of Great Britain were European, and if she did ratify the exception it would doubtless be with the express purpose of introducing dissensions between the American na-

tions. On the other hand the interests of the United States, he repeated, were distinctly American; and the desired union between all of the American republics could exist only "on the basis of the most perfect equality and reciprocity." He urged that the policy of the United States with respect to the struggling Spanish-American states had been such as to entitle his country to expect privileges at least as great as those of any of the Spanish-American countries.

The Mexican negotiators then declared that "we had no right to insist upon being placed on the same footing with the Spanish-American states unless we were willing to take part with them in their contest with Spain." Poinsett replied that this would be in the highest degree impolitic. It was true, he admitted, that the United States could crush and annihilate Spain and put an end at once to the conflict, provided other European countries should not interfere. But such a step would be sure to precipitate a union of the European powers against the American, to the decided detriment of all concerned.

On the same day on which this conference occurred Poinsett reported to Clay that the disagreement over the proposed exception had prevented the conclusion of the negotiations for the present. After recounting the arguments at great length he said he had broken up the conference "with a positive declaration that, putting out of view my duty as representative of the United States, I regarded the proposed exception in favor of the nations which were formerly Spanish

possessions so contrary to the best interests of the Americas that I never would agree to its insertion in a treaty between the United States and any of the American republics." He concluded his letter by declaring his own opinion to be "that the interests of the United States will be better consulted by having no treaty at all with Mexico than by concluding one with this condition." He would persist, as a *sine qua non*, in his opposition to the insertion of the exception. If Adams and Clay differed from him he asked to be informed. Even if they should, he said he would yield with infinite reluctance.

They did not differ from him. On November 9, 1825, the very next day after receiving Poinsett's letter of September 13 reporting the discussions at the second conference when the difference concerning the exception first arose, Clay replied: "The President approves of your refusal to accede to that exception." He declared that the United States felt themselves justified, because of the attitude they had preserved toward the new states, in demanding of Mexico perfect reciprocity in this respect. He argued that there was nothing in the former common dependence that should govern nations no longer bound by any ties of common allegiance. "But if the fact of the Spanish dominion having once stretched over the new states is to create an exception of commercial privileges in their behalf, the United States upon a similar ground have a right to demand the benefit of it; for the same Spanish dominion once, and at no very distant day, extended

over the larger part of their territories, and all of that part which is coterminous with those of the United Mexican States."

Concerning the claim that the new states had been waging a common war against a common enemy, Clay argued, "The United Mexican States have, it is true, been waging a war with Spain contemporaneously with the other states, but hitherto there has been no cooperation of arms between them. The United Mexican States have alone sustained their contest. If the idea of those fraternal relations is to be sought for in the sympathy between the American belligerents, this sympathy has been equally felt and constantly expressed throughout the whole struggle by the United States. They have not indeed taken up arms in support of the independence of the new states; but the neutrality which they have maintained has enabled them more efficaciously to serve the cause of independence than they could have done by taking part in the war. Had they become a belligerent [he declared, as Poinsett had done to the plenipotentiaries] they would, probably, have drawn into the war on the other side parties whose force would have neutralized, if it had not overbalanced their exertions." By maintaining neutrality, he declared, the United States had been enabled to render assistance more valuable than military cooperation. They had disconcerted the designs of the European alliance by declaring against the interference of such powers in support of Spain.

"There is a striking inconsistency," Clay continued,

"in the line of policy which the United Mexican States would seem disposed to pursue toward the United States. They would regard these states as an American nation or not accordingly as it shall suit their own purposes. In respect to commerce they would look upon us as an European nation, to be excluded from the enjoyment of privileges conceded to other American nations. But when an attack is imagined to be menaced by Europe upon the independence of the United Mexican States, then an appeal is made to those fraternal sympathies which are justly supposed to belong to our condition as a member of the American family."[16]

In concluding the letter to Poinsett Clay declared: "The President indulges the confident expectation that upon reconsideration the Mexican government will withdraw the exception. But if it should continue to insist upon it you will, upon that ground, abstain from concluding any treaty and put an end to the negotiation. It is deemed better to have no treaty, and abide by the respective commercial laws of the two countries, than to subscribe to a principle wholly inadmissable, and which, being assented to in the case of Mexico, might form a precedent to be extended to others of the new states."[17]

[16] He alludes here to the episode of the French fleet in the West Indies in the preceding summer and Mexico's appeal to the declaration of Monroe's message of 1823. See above, chapter IV on Cuba Saved to Spain, and footnote 45.

[17] Clay to Poinsett, November 9, 1825, MS., Department of State, Instructions, X, 407; American State Papers, Foreign, VI, 582; British and Foreign State Papers, XIII, 421.

It is interesting to notice the complete agreement between the views of Poinsett and of the government at Washington. Even the words of this concluding paragraph of Clay's instruction of November 9 agree almost exactly with the concluding words of Poinsett's despatch of September 28. When exactly a month after writing this instruction Clay received that despatch, he replied on the same day, December 9, merely referring to his instruction of November 9 as a complete reply. He added the assertion that no power except Mexico had attempted to reserve the right to grant special favors to other Spanish-American powers.[18]

It was more than seven months before negotiations were resumed where they had been broken off by Poinsett's refusal to admit the provision allowing Mexico to grant special favors to other Spanish-American powers which might not be claimed by the United States under the "most favored nation" clause. In February, Poinsett had told Clay that he thought it would not be politic to evince great anxiety to renew the negotiation; for he considered it more important to make a treaty on liberal principles than to make it quickly. However he still hoped to have it before the end of the session of Congress.[19]

At the sixth conference, held on May 6, 1826, the

[18] Clay to Poinsett, December 9, 1825, MS., Department of State, Instructions, X, 420; British and Foreign State Papers, XIII, 494.

[19] Poinsett to Clay, February 18, 1826, MS., Department of State, Despatches from Mexico, I.

Mexican plenipotentiaries yielded their demand for the exception in favor of the Spanish-American states; and at the seventh conference on May 17 Poinsett reciprocated by yielding the point he had urged providing for perfect reciprocity of tonnage dues. Thereupon the "most favored nation" principle was accepted by both parties without modification and embodied in the treaty. These two difficulties being removed by mutual concessions, the next six conferences followed in fairly rapid succession through the month of June. The fourteenth and last, at which the treaty was signed, occurred on July 10, 1826.[20] Most of the thirty-four articles were agreed to with little or no discussion and only slight modifications. There were however a few matters that occasioned extended discussions and exchanges of notes.

In Poinsett's projet which formed the basis for the discussions he had embodied the principle, "free ships shall make free goods." But he had added an exception intended to exclude from the advantages of the provision property belonging to subjects of a government that did not recognize the principle. Poinsett's exception was directed chiefly against Great Britain, which government still stubbornly refused to admit the principle. The Mexican plenipotentiaries did not object in the least to the principle; nor did they object to the exception in itself. But negotiations were then pending for a commercial treaty with Great

[20] For the protocols of the Sixth to the Eleventh Conferences, see American State Papers, Foreign, VI, 592 to 600; or Mexico, Tratados y Convenciones, II, 74 to 128.

Britain also; and they feared that if they admitted the exception it would interrupt their negotiation with that power. They thought under the circumstances that Poinsett ought not to insist on the exception as a *sine qua non*. He said he would not; but convinced of its justice and importance he urged it strenuously. Finally he yielded and struck out the exception.[21] In explaining to Clay his efforts to get the exception introduced he said, "The opposition to it was much more formidable than would appear from the protocols; and although I hinted that I should adhere to its introduction into the treaty, I should not have felt myself justified in making it a *sine qua non*. The establishment of the principle I deemed of paramount importance, and yielded the exception only on conviction that the Mexican government would not agree to it, pending their present negotiations with Great Britain."[22]

Another point over which serious discussion arose was a provision in the third article allowing the merchants and traders of each nation to enter freely and conduct their business in the ports and territories of the other. The Mexicans endeavored to add a provision excepting from the privileges of this article all European Spaniards who had been naturalized in the United States since 1820, because they feared that

[21] Poinsett to Mexican Plenipotentiaries, June 16, 1826, American State Papers, Foreign, VI, 597. Protocol of Thirteenth Conference, June 17, 1826, ibid., 598.

[22] Poinsett to Clay, July 12, 1826, MS., Department of State, Despatches from Mexico, II.

Spain would introduce Spaniards into Mexico under the guise of naturalized citizens of the United States. Poinsett strenuously opposed the exception. In explaining the matter to Clay, he said: "I induced them to waive the discussion at that time by declaring that I never would consent to insert any exception to this article in the body of the treaty, and that all allusion to it must be postponed until we had concluded the treaty. I consented to it at length as an additional article, because from the manner in which the Mexican plenipotentiaries persisted in introducing it, I felt convinced that they considered it essential to the liberties of this country to preserve the right they contended for; nor do I think them wrong in their estimate of the danger of admitting indiscriminately all Spaniards, wherever established and at all times. Circumstances may arise which might render it extremely dangerous to throw their country open to such persons. There are too many of them here now; and I never have met with one European Spaniard, wherever domiciliated, favorable to the cause of American independence. I yielded, however, not to their arguments, but to the necessity and urgency of the case." In introducing the matter Poinsett had said to Clay: "I am fully aware of the objections which will occur to you on reading the first additional article to this treaty. They are weighty; but this government would have made no treaty without such a provision."[23]

[23] Poinsett to Clay, July 12, 1826, MS., Department of State, Despatches from Mexico, II. And Protocol of the Thirteenth Conference, American State Papers, Foreign, VI, 598; Mexico, Tratados y Convenciones, II, 85.

With his letter of July 12, Poinsett enclosed copies of the treaty signed two days earlier.[24] The original was retained to be sent as soon as the Mexican government should indicate its readiness to exchange ratifications. In this as in so many other cases Poinsett found that government intolerably slow. Late in October he wrote Clay that the treaty was not yet submitted to the Mexican Congress, in spite of repeated promises that it should be. He said there seemed to be a jealous dread of too intimate relations with the United States. This unfriendliness of the executive, he added, was not shared by the people or the Congress.[25] Two months later Poinsett had to report that the treaty was still unratified by the Mexican Congress. In spite of that fact he had judged it advisable to send the official copy by his secretary of legation, Mr. Mason. He did not mean by doing this that he thought the United States ought to ratify it first. In fact he advised the contrary. His purpose in sending Mr. Mason at that time was that he might converse freely with Clay and Adams on the relations between the two countries.[26]

[24] For the text of the treaty, see American State Papers, Foreign, VI, 608. A copy of Poinsett's projet precedes.

[25] Poinsett to Clay, October 21, 1826, MS., Department of State, Despatches from Mexico, II.

[26] Poinsett to Clay, December 29, 1826, MS., Department of State, Despatches from Mexico, II. Most of this six-page letter was a reply to one which Clay had addressed to him on September 27, 1826, MS., Department of State, Instructions, XI, 159. Clay had understood from the protocols which accompanied the copy of the treaty that Mexico had reserved

On March 12, 1827, Clay wrote to Poinsett expressing great surprise that the intent of Mexico regarding the ratification of the treaty had not been communicated within the prescribed time, eight months, which had expired two days before Clay wrote this letter. This unaccountable delay was less justifiable on the part of Mexico, he said, than it would have been on the part of the United States, since the treaty had been made under the constant and immediate supervision of the Mexican government. Furthermore the ratifications were to have been exchanged in Washington. If it had been agreed that they should take place at Mexico, he declared, the United States government would have made some response within the prescribed time.

On the arrival of Mr. Mason with the official copy of the treaty the President had, on February 12, submitted it to the Senate.[27] This was done, Clay explained, so that if the Senate had advised ratification, and if the Mexican ratification had arrived within the prescribed time, the President could have exchanged

the right to subject United States shipping to exorbitant discriminating duties for the benefit of Mexican shipping, but that the United States was not to retaliate. Poinsett's long letter was to explain that his argument in the protocol was to show how unequally the "most favored nation" principle might operate. He did not intend, nor was he understood, he said, to pledge the United States not to meet with countervailing duties any discriminations in favor of Mexican tonnage.

[27] Adams to the Senate, February 12, 1827, American State Papers, Foreign, VI, 578, communicating the treaty and documents.

the ratifications even if the Senate had not then been in session. Furthermore, if the Senate desired to suggest changes or amendments this could be done with better grace before it was known whether or not the Mexican government desired modifications. But even if the Senate had consented to the ratification of the treaty unchanged, and if notice should come that the Mexican government had agreed to do the same, it would now be necessary to resubmit it to the Senate since the time had expired.

The Senate had, by the resolutions adopted February 26, advised and consented to the ratification of most of the provisions; but there were certain parts which had not received the approbation of that body. The Senate, as Poinsett had anticipated would be the case, objected to the first additional article, which excluded from Mexico "persons born in the European dominions of His Catholic Majesty." This was declared to be repugnant to the constitution, which provided that the native and the naturalized citizen, "with few exceptions applicable to ourselves alone," have the same rights. The Senate proposed to substitute in the third article of the treaty the word "citizens" for the word "inhabitants." That would leave only a very few who would be affected by the first additional article; and it was hoped that this would obviate the repugnance of the Mexican government to the omission of that additional article.

Clay further said that the consent of the Senate to the sixteenth and seventeenth articles, which embodied

the principle, "free ships shall make free goods," depended on the addition to the sixteenth of the following: "Provided, however, and it is hereby agreed, that the stipulations in this article contained declaring that the flag shall cover the property shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of the enemies whose governments acknowledge this principle and not of others." This was the exception which Poinsett had tried in vain to introduce. Clay said such was the limitation on the principle in the treaty with Colombia; and it would be simply refusing to a power the benefits of a principle to which it would not subscribe. The objection which the Mexican plenipotentiaries had urged to so limiting this principle when the treaty was being negotiated had been removed; for the treaty between the Mexican government and England had now been ratified.

The third amendment proposed by the Senate was that the duration of the treaty should be fixed at six years instead of twelve as the treaty provided. To make this change more palatable to the Mexican government, Poinsett was authorized to agree that it should remain in force beyond the term of six years until one of the parties should give six months' written notice of a desire to terminate it.

In concluding his long instruction to Poinsett Clay declared: "If the Mexican government will not agree

to the amendments proposed by the Senate, no alternative will then remain but to terminate the negotiations." He had previously said that the Senate attached most importance to the first and third amendments, and added: "It is believed that, without these, the Senate would never advise the ratification of the treaty. You will use your best exertions to prevail on the Mexican government to consent to all the proposed amendments."[28]

Not only had the Mexican ratifications not reached Washington when Clay wrote the above instruction two days after the time limit for exchanging the ratifications had expired, but the Mexican Chamber of Deputies had not even acted on the treaty at that time. Nearly a month later, on April 10, 1827, Poinsett wrote that the Mexican Chamber had not yet acted. He enclosed, however, a report that had been made some time before by the committee on foreign relations of that Chamber. This report never was adopted; but it is interesting as showing the sentiment of the members of the Chamber who were most informed upon and responsible for its foreign policy. The report declared that the committee had considered the treaty daily for three months. It had wished to report earlier; but did not wish to make an incomplete or ill advised report. Difficulties in securing desired documents, inexact translations of some articles, and obscure meanings of others all had caused delays. Repeated conferences had been held with the Mexican

[28] Clay to Poinsett, March 12, 1827, MS., Department of State, Instructions, XI, 261.

negotiators of the treaty. The committee had distrusted its own ability; and was the more scrupulous because "the treaty is made with a nation whose existence was half a century earlier than ours, and which is skilful in the mazes, ambiguities, and transformations (sic) of diplomacy, while we are beginning this difficult career with the candour of youth."

They first considered whether the time had come when a treaty should be made with the United States; and decided in the affirmative, since it would increase the prestige of the country among foreign powers and also increase the internal stability. This had been recognized by the sister Spanish-American states, who had not only concluded treaties among themselves but with the United States and England. They recognized the fact that Mexico owed a debt of gratitude to the United States for first showing sympathy with and recognizing the independence of the new states. "Even now its government acts with greater frankness than others, since it receives a Minister Plenipotentiary of Mexico in which character our agent in England is not considered." The treaty would establish confidence and invite foreign capital, and thus increase the wealth, population, and prosperity of the country.

All of the articles of the treaty were reviewed and commented upon. Slight, immaterial modifications of many were suggested; but few serious objections were raised, until they came to the thirty-third article. That article declared: "It is likewise agreed that, in

the event of any slaves escaping from their owners, residing in the States or Territories of one of the contracting parties, and passing over into the States or Territories of the other, it shall be lawful for the owner or owners of such slaves, or their lawful agents, to require the assistance of the authorities of the country where they may be found for their arrest, detention, and custody, and for that purpose the proprietors, or their agents, shall address themselves to the nearest magistrate or competent officer. On such demand being made, it shall be the duty of the magistrate or competent officer to cause the said slaves to be arrested and detained; and if it shall appear that such slaves be actually the property of the claimant, the magistrate or competent officer shall surrender them to the proprietors, or their agents, to be conveyed back to the country from whence they had escaped." The same article provided for the extradition of murderers and forgers.[29]

For some unaccountable reason this article had been adopted by the negotiators without discussion. All that is said in the protocol is: "The thirty-third article, relating to the delivery of fugitive slaves and of murderers and forgers taking refuge in the territories of either of the contracting parties, was read and agreed to."[30] But whatever was the motive for this silence on the part of the Mexican negotiators, whether inadvertence, indifference, or fear of obstructing the

[29] American State Papers, Foreign, VI, 612.

[30] See Protocol of the Twelfth Conference, June 16, 1826, American State Papers, Foreign, VI, 595.

negotiations, the committee on foreign relations of the Chamber did not pass over it in silence. It declared unequivocally: "The Committee trusts that the Chamber will be pleased to reject the thirty-third article respecting the restoration of slaves. The slave makes use of the inalienable right which the author of nature has conceded to him, when he procures his liberty. The chambers have shown themselves determined to erase this stain and to preserve our institutions. It is also to be observed that the reciprocity which is established in this article is nominal, since there are no slaves belonging to Mexico on the frontiers of the States of the North.

"The Committee is, moreover, aware that in the colonies of our neighbors on the frontiers, slaves are worked, who alone can withstand the labors to which they are condemned by their deplorable fate. Who will not allow that it is expedient for us to remove our neighbors from the frontiers even by indirect means?"[31]

They advised the insertion as additional articles of the two following provisions: "that the treaty of limits between the two nations shall be concluded at the latest within two years"; and that "until the contracting parties fix definitely the limits within the time appointed, the stipulations of the treaty of amity, settlement of differences, and limits between His Catholic

[31] For further attempts to check the settlement of Anglo-Americans on the Texas frontier by making it illegal to retain or reclaim slaves in Mexican territory, see below, chapter on Texas and the Boundary Issue.

Majesty and the United States of America signed on the twenty-second of February, 1819, by Don Luis Onis and John Quincy Adams shall be in force."[32]

Before the Mexican Chamber of Deputies had acted on this report of its committee on foreign relations, Clay's instruction of March 12, studied above, reached Poinsett. On May 10 the latter acknowledged its receipt, and replied: "I have already signified to this government the resolutions of the Senate of the United States with regard to the treaty, and proposed to renew the negotiations." The treaty was still before the house, he added, but would be withdrawn by the executive. In conclusion he declared he was not surprised at the Senate's action with the treaty. His only motive for allowing the insertion of the additional article was to avoid breaking off negotiations a second time and leaving the field entirely to the British. "You can form no idea of the difficulties of treating with these people. They want good faith themselves, and are constantly afraid of being deceived."[33]

Three months later Poinsett wrote that President Victoria had invited him to a conference, received him cordially, and expressed an earnest desire to reopen negotiations at once, indicating that there was a disposition to yield the points which the United States

[32] Report of the Committee on Foreign Relations of the Chamber of Deputies on the Treaty between the United States and Mexico, enclosed with Poinsett to Clay, April 10, 1827, MS., Department of State, Despatches from Mexico, II.

[33] Poinsett to Clay, May 10, 1827, MS., Department of State, Despatches from Mexico, III.

Senate considered necessary.[34] After another three months had passed without renewing the negotiations, Poinsett again wrote, "The President repeated to me the other day his disposition to conclude them as soon as possible and his willingness to cede the points in dispute between the two governments," saying the delay had been caused by the illness of one of the negotiators.[35] One month later still, Victoria repeated his explanation, assuring Poinsett, however, that the negotiations would be resumed within a week.[36] But nearly two months more passed before the first conference occurred in the renewed commercial negotiations.

The sickness of the negotiator was not the only or the most serious obstacle. In April, 1827, when the Chamber of Deputies was considering whether it would ratify the commercial treaty which had been concluded July 10, 1826, studied above, a resolution had been adopted declaring against further consideration of that treaty until an article should be inserted settling the boundary dispute. Finally concluding that it was useless to try further to secure the cession of Texas or any portion of it, Poinsett conceded the Mexican demands and hastily concluded a boundary treaty which was signed January 12, 1828.[37] This insuperable ob-

[34] Poinsett to Clay, August 10, 1827, MS., Department of State, Despatches from Mexico, III.

[35] Poinsett to Clay, November 10, 1827, MS., Department of State, Despatches from Mexico, III.

[36] Poinsett to Clay, December 8, 1827, MS., Department of State, Despatches from Mexico, III.

[37] See below, chapter on Texas and the Boundary Issue.

stacle being removed, the commercial negotiations were shortly resumed and concluded almost as rapidly as the boundary treaty had been.

The first conference occurred on February 4. Poinsett read a note setting forth the resolutions of the United States Senate. The first disputed matter settled was that in the first additional article of the rejected treaty concerning the exclusion from Mexico of persons living in the United States who had been born in the European dominions of the king of Spain. Poinsett urged the constitutional point that the United States was under the necessity of securing for naturalized citizens the same privileges as for native-born citizens. He offered, as the Senate had proposed, to substitute in the third article the word "citizens" instead of the word "inhabitants" in order to limit the privilege to bona fide naturalized citizens. The Mexican negotiators showed the difficulty of distinguishing between real and pretended citizens. Poinsett promised that this would be accomplished by care in issuing and scrutinizing passports. The first additional article was thereupon withdrawn and the proposed substitution made in the third article.

The next disputed point settled was one which Poinsett had held out for strenuously in the first negotiation, in obedience to his original instructions from Clay, but which he had finally yielded, and which the United States Senate had allowed to pass. Poinsett found the Mexicans now not only willing but glad to yield the point in principle for the future; but for the present they found a way to retain the less liberal provi-

sion. This secured the "perfect reciprocity" instead of the "most favored nation" treatment as between United States and Mexican importers with respect to tonnage dues, port charges, etc., and was accomplished by substituting instead of articles five and six of the former treaty the fifth and sixth articles of the treaty which had since been concluded and ratified between Mexico and Great Britain.[38] An additional article of that treaty, however, suspended the operation of the "perfect reciprocity" clause for ten years on account of the backward state of the Mexican merchant marine. That additional article was also included in this treaty. In the meantime Mexico was required to accord only the "most favored nation" treatment.

The next point discussed was the demand of the United States Senate for the insertion in the sixteenth and seventeenth articles, embodying the principle, "free ships shall make free goods," of the provision limiting its advantages to the property of enemies whose governments acknowledge the principle. The Mexicans were not prepared to yield this without resistance, and consequently no agreement was reached at the first conference. It was arranged that the Mexican plenipotentiaries should present in writing the next day their arguments against the exception.[39]

[38] For the British Treaty, see British and Foreign State Papers, XIV, 614. For the original treaty between the United States and Mexico, see American State Papers, Foreign, VI, 608; and for the revised, see the last, 952.

[39] Protocol of the First Conference, February 4, 1828, enclosed with Poinsett to Clay, March 8, 1828, MS., Department

It will be remembered that this exception was directed principally at Great Britain and that the Mexicans refused in the former negotiation to admit it for fear it would prevent England from ratifying the treaty then pending between that government and Mexico but subsequently ratified. In their note which was dated February 6 the plenipotentiaries referred to Poinsett's arguments of two days earlier in favor of the exception and declared: "The undersigned have to observe that the reasons alleged are reduced simply to the same which were advanced by your excellency, with the same intention, in the conferences held on the 13th and 17th of June, 1826, and which were extended with more exactness in your note of the last date; but as all these were refuted at that time by the arguments of the undersigned, and as your excellency, on that account, agreed to adopt the stipulation of the principle without any limitation, they do not perceive any reasonable motive at present which could justify their conduct if they were to change their opinion and accede to the exception proposed by your excellency, in conformity to the wishes of your government. It is true that the Mexican United States have not now the powerful obstacle which, at the period of the first negotiations, prevented them from admitting an exception in some manner odious, and which might, on that account, have retarded the conclusion of pending treaties with a third power.

of State, Despatches from Mexico, III. This letter of March 8 is printed in American State Papers, Foreign, VI, 950; but the protocol is omitted.

But it is likewise true that, after having celebrated those treaties, the good faith and honor of the government are interested; that, on the part of Mexico, there should be no variation in the principle of conduct which it had proposed to follow invariably, and which probably had an influence on the minds of the other party in settling those conventions. The undersigned, in virtue of these reasons, cannot persuade themselves that the government of the United States of America should insist on the insertion of the proposed addition to the sixteenth article as a *sine qua non*. . . ."[40]

In replying to the Mexican note Poinsett said he "did not consider the arguments he had used during the former conferences and in his note of the 17th of June, 1826, as refuted by the Mexican Plenipotentiaries. He yielded the point in dispute at that time to his earnest desire not to embarrass the negotiations then pending between Mexico and Great Britain." He then argued, by citing a supposed state of war, the injustice of applying the rule without the exception, and the advantage it would be to an infant maritime state to extend the rule, and continued: "The rule is alike politic and humane; but to make it just the qualification proposed is absolutely essential. It has been adopted in this manner by all the new republics of America with whom the United States have celebrated treaties, and it would be unjust towards them to form a convention with Mexico wherein the

[40] Camacho and Esteva to Poinsett, February 6, 1828, American State Papers, Foreign, VI, 948.

principle was admitted without the exception. The only alternative the undersigned can offer is to omit the principle altogether. If it be inserted at all in the treaty, it must be accompanied by the proposed qualification. With respect to the obligation which it is supposed that Mexico has contracted in her negotiations with Great Britain, the undersigned will merely observe that there exists the most positive proof that Mexico would have obtained the same terms from that nation even if the principle and proposed qualification had been introduced into the former treaty. Great Britain had no right to exact or expect that Mexico should renounce an important rule, affecting her most vital interests, after having made a treaty with Colombia, subsequent to that concluded between the United States and that republic, in which the principle of 'free ships making free goods,' together with the proposed qualification, had been introduced. It is not probable, therefore, that the circumstance of the omission of the proposed qualification in our former treaty had any influence on the negotiations between this country and Great Britain. If the great maritime powers, with only one exception, have deemed it politic to adopt this salutary rule, how much more important must it be to the rising but infant states of America. To the undersigned it appears of the last importance to settle by treaty, in this hemisphere, a question which has occasioned so many acts of violence and so many wars in the other. The states of America ought to be governed in their inter-

course with each other by the strictest rules of humanity and justice, and every means [ought to be] resorted to that human wisdom can suggest in order to avoid future cause of war, of which the converse of the principle here contended for has proved so fruitful a source."[41]

At the second conference, which took place on February 10, the Mexican plenipotentiaries consented to admit the exception to the sixteenth article rather than abandon entirely the principle, "free ships shall make free goods," which Poinsett had declared was the only alternative. A minor matter concerning Indian tribes was also settled at this conference.[42] Four days later, on February 14, 1828, the treaty was signed.[43]

In Poinsett's letter of February 22, transmitting this treaty and that of limits which had been concluded January 12, preceding, Poinsett told Clay that all of the alterations suggested by the United States Senate had been introduced into the treaty except that relating to the duration of the treaty. This Poinsett had not insisted upon because the term of ten years was

[41] Poinsett to Camacho and Esteva, February 8, 1828. American State Papers, Foreign, VI, 949. This note and that of February 6 to which it replied were enclosed with Poinsett to Clay, February 23, 1828, MS., Department of State, Despatches from Mexico, III.

[42] Protocol of Second Conference, February 10, 1828, enclosed with Poinsett to Clay, March 8, 1828, MS., Department of State, Despatches from Mexico, III.

[43] For the treaty, see American State Papers, Foreign, VI, 952. A Spanish version follows the English.

specified in the additional article suspending the "perfect reciprocity" clause. This had been borrowed from the British treaty, and had been embodied by Mexico in other treaties containing the same provision. For the sake of uniformity the Mexicans were very anxious to have it in the treaty with the United States also. Poinsett agreed to let the twelve year period of the original treaty stand; but he accomplished the essential purpose of the Senate by introducing into the thirty-fourth article a provision that at the end of six years from the exchange of ratifications alterations could be made in the treaty and would be considered a part of it, having the same force as those provisions now agreed upon.[44]

Again the thirty-third article relating to the arrest and return of fugitive slaves had been adopted without any indication in the protocols that it was even discussed by the negotiators. On March 1, two weeks after the treaty had been signed and almost one week after Poinsett had despatched it to Washington, a special conference was held between him and Camacho at the latter's request in order that an explanation might be given of some matters concerning which doubts had arisen in the minds of members of the Mexican government. Some minor misunderstand-

[44] Poinsett to Clay, February 22, 1828, MS., Department of State, Despatches from Mexico, III; American State Papers, Foreign, VI, 948. A second additional article provided that the treaty should remain in force even beyond the term of twelve years until six months after one of the contracting governments should give notice of its desire to terminate the treaty.

ings were easily removed concerning the interpretation of provisions relating to blockades and to the admission of consuls. Then coming to the most important point, Camacho urged the objections of his government to the thirty-third article, and proposed that it be modified so as not to come into such violent collision with the feelings of the Mexican people. He proposed to accomplish this "either by an agreement on the part of Mexico to pay for such fugitive slaves, or in some other manner." Poinsett replied that the thirty-third article seemed to him to be indispensable. He argued that the United States government was compelled to protect its citizens in the possession of their property. The provision in the Mexican constitution for the emancipation of slaves, he said, would be considered by the slaves as an invitation to them to escape. If there were no treaty provision for their return their owners, he insisted, would be compelled to pursue them across the border and recover them. This would continually disturb the peace along the borders. If Mexico should undertake to remunerate the owners of escaped slaves for their loss, it would be a constant and heavy drain on the resources of Mexico, and besides would involve the two governments in continual difficulties. The supposition that the absence of a provision for the return of slaves would discourage slave owners from settling on or near the borders of Mexico and hence be beneficial was, he argued, not well founded. Furthermore, he urged that the real interests of Mexico demanded that

the region near the border be settled by an orderly and law abiding population, for if it should not be settled by such a people it would become a rendezvous for disorderly characters. Slave owners, he insisted, were an especially desirable and orderly class. In conclusion he said he would not have insisted on the provision as a *sine qua non;* but the only alternative that he could have accepted would have been compensation for escaped slaves. The serious objections to that he had already urged.[45] The proposed change was not made.

In his letter to Clay of March 8, 1828, with which the protocol of this conference was enclosed, Poinsett said: "With regard to the article relative to fugitive slaves, I used very strong language, because I thought it politic, so to do. I do certainly consider that article as very important to the future good understanding between the two nations, and shall use every means in my power to have it ratified by this Congress."

The complete satisfaction of the administration and the Senate at Washington with Poinsett's negotiation of the revised treaty is reflected by the promptness with which it was approved. On April 21, 1828, Clay acknowledged receipt of the treaties and said they

[45] Protocol of a conference between Poinsett and Camacho, March 1, 1828, enclosure with Poinsett to Clay, March 8, 1828, MS., Department of State, Despatches from Mexico, III. This protocol is in both Spanish and English in parallel columns, and extends over more than twenty pages. It is not printed in American State Papers, Foreign, VI, 950, with Poinsett's brief letter of March 8, with which it was an enclosure.

would be immediately laid before the Senate for their advice.[46] Three days later Adams transmitted the commercial treaty to that body;[47] and on the same day it was received by the Senate and referred to the committee on foreign relations.[48] One week later, May 1, 1828, the committee on foreign relations reported the treaty without amendment. On the same day it was considered by the committee of the whole, likewise without amendment, and reported. Immediately, by unanimous consent, a motion was considered to advise and consent to the ratification of the treaty. The motion was carried without a dissenting vote,—forty yeas, and no nays.[49] It is worthy of mention here that the treaty of limits received at almost the same time the same prompt treatment, and almost as enthusiastic approval.[50]

In the Congress at Mexico action was very different from this in the Senate at Washington. In spite of Poinsett's efforts to secure its ratification, he had to write Clay on May 21, 1828, more than three months after the signing of the treaty, that the Mexican Congress had adjourned that day, and, he was sorry to say, without ratifying the treaty. The lower house had acted on it, rejecting two articles. The first was that relating to the rendition of fugitive slaves. It

[46] Clay to Poinsett, April 21, 1828, MS., Department of State, Instructions, XII, 98.

[47] Adams to Senate, April 24, 1828, American State Papers, Foreign, VI, 952. The treaty follows.

[48] Senate Executive Journal, April 24, 1828, III, 605.

[49] Senate Executive Journal, May 1, 1828, III, 606.

[50] See below, chapter on Texas and the Boundary Issue.

had been rejected, he said, entirely on philanthropic principles, and added: "Such are most likely to influence the young legislators of a young nation." The other rejected article related to the maintenance of peace between the Indians on either side of the border. This action was not final, however, and he hoped to be able to carry both articles at the coming extraordinary session of the Congress, which would take place in August.[51] Two weeks later he wrote that the secretary for foreign relations had most ably and zealously defended the rejected articles; and added, that official "thinks that we shall succeed in passing them through the Senate in a manner that will secure their passage in the House on a question of reconsideration."[52]

Late in September Poinsett wrote: "I am waiting with great impatience for the Senate of Mexico to conclude their discussions on the treaty";[53] and early in October he addressed a note to Cañedo, the secretary for foreign relations, asking an explanation for the delay, and complaining that other treaties subsequently negotiated had been acted upon. He added that while all governments were entitled to sufficient time for deliberation, it was unreasonable and contrary to prac-

[51] Poinsett to Clay, May 21, 1828, MS., Department of State, Despatches from Mexico, IV.

[52] Poinsett to Clay, June 4, 1828, MS., Department of State, Despatches from Mexico, IV.

[53] Poinsett to Clay, September 25, 1828, MS., Department of State, Despatches from Mexico, IV.

tice to allow the time set in the treaty for ratification to pass without action or explanation.[54]

Poinsett's impatient outburst was followed a few days later by action; but the action was very different from what he desired. The Senate had discussed the treaty for three days in secret session,—October 10, 11, and 13. Instead of rejecting only two articles, as the lower house had done earlier, it rejected fourteen, namely, the sixteenth to the twenty-fifth, the thirtieth, the thirty-second, thirty-third, and thirty-fourth. The extract from the proceedings of the Senate which Poinsett sent to Clay indicate, however, that the most serious and perhaps the only insuperable obstacles were found in the same articles which the lower house had rejected. The first of these, article 32, agreed that each nation would restrain the Indians within its borders from making incursions into the territories of the other. It was urged that it was impossible to prevent incursions of Mexican Indians at times into the Mexican states; and it would be much more difficult to prevent them from making incursions into the United States, which this article bound Mexico to do.

It was article 33, providing for the rendition of fugitive slaves, that was most severely attacked. The extract from the Senate proceedings says: "Against the 33d article were objected all the arguments which militate against slavery, and the horror which it has

[54] Poinsett to Cañedo, October 4, 1828, enclosed with Poinsett to Van Buren, July 2, 1829, MS., Department of State, Despatches from Mexico, IV.

always inspired in the Mexican Republic, and which their Congress has manifested by a multitude of decrees; and it would be most extraordinary that in a treaty between two free republics slavery should be encouraged by obliging ours to deliver up fugitive slaves to their merciless and barbarous masters of North America. It was added that even the second part [concerning the extradition of murderers and forgers], could not be approved, because a perfect reciprocity could never be effected, it being the well-known custom of the United States of the North never to deliver up their criminals to the powers who demand them; and this it is which has considerably augmented their population. The only reply made was that in nations where slavery exists the slaves are the property of their masters; and that security for property ought to be stipulated for between two friendly nations; and that facilities ought not to be afforded to criminals to commit offences with impunity, because in that case crimes would be so multiplied that it would be impossible to restrain them; and that this must take place if by the rejection of the article our criminals can take refuge in the United States of the North, and those of that country come here." Against the thirty-fourth article it was urged that if the two powers should wish to enter into any new negotiation they would find their hands tied by this treaty until after the long period of six years.[55]

[55] Extract from a debate in the Mexican Senate, October 10, 11, and 13, 1828, enclosed with Poinsett to Clay, November 15, 1828, MS., Department of State, Despatches from Mexico, IV.

In a letter to Clay on October 22, 1828, Poinsett said: "This result was not altogether unexpected by me. A majority in the Senate have always been exceedingly adverse to any connection with the United States. They dislike our republican institutions, especially as they were the occasion of their adoption in this country. They are and ever have been essentially monarchical and European in their principles; and while they affect to believe that the United States are jealous of the rising greatness and prosperity of this Empire, are in reality envious and apprehensive of their neighbors. If the treaty be again passed in the Chamber of Deputies by a majority of two thirds, it will be returned to the Senate, when one third of the votes of that body will be sufficient for its ratification."[56]

This shows that Poinsett had not utterly abandoned hope. Now he turned to the lower house to use his best efforts. On November 15, he wrote that he had "furnished a member of the House with the necessary arguments to rebut those used by the Senate. It is very vexatious to have to contend with the extreme ignorance and presumption of this body; and it is perfectly impossible to anticipate their objections."[57] Some nine months later, Poinsett said that the Mexican Senate, when it rejected the above mentioned articles, declared that it would agree to no treaty

[56] Poinsett to Clay, October 22, 1828, MS., Department of State, Despatches from Mexico, IV.

[57] Poinsett to Clay, November 15, 1828, MS., Department of State, Despatches from Mexico, IV.

with the United States which contained any provisions other than those in the treaty between Mexico and Great Britain.

In this same letter, which was addressed on July 22, 1829, to Secretary of State Van Buren, and which reviewed at length all of Poinsett's negotiations with Mexico for the information of the new Jackson administration, Poinsett said that after the Senate action of the preceding October the treaty had been sent back to the Chamber of Deputies where it still remained when this letter was written without having been acted upon. In explaining the motive for the Senate's action, he repeated practically what he had said to Clay nine months before: "A majority of the Mexican Senate, elected during the reign of the monarchical faction throughout this union, are opposed to the establishment of friendly relations between the United States and Mexico; and now, aware of the determination of the executive to return the treaty to Congress with such observations as will probably lead to the restoration of the liberal principles it contains, they will delay its despatch as long as they possibly can, both in the expectation of creating an unfriendly feeling between the two countries and of wearing out my patience."[58]

A week before writing this long review Poinsett had said that General Guerrero, the new President of Mexico, "told me a few days ago that he was determined

[58] Poinsett to Van Buren, July 22, 1829, MS., Department of State, Despatches from Mexico, IV.

the plans of these men should not prevail." As a means for counteracting their influence President Guerrero had signified his desire for an extraordinary session of Congress. "One of the objects is declared to be the immediate despatch of the treaty of navigation and commerce between our two republics."[59]

The Congress met in special session a few days later, but its attention was absorbed by other matters, the chief of which was the Spanish invasion. The long growing but hitherto covert opposition to the supposed influence of Poinsett over the government of Guerrero burst into open and public declarations of hostility and demands for his removal from the country. President Guerrero, whose hold on the government had been very precarious from the time of his inauguration in the spring, was weakening. Even before the public attacks on Poinsett, Guerrero had yielded to the opposition and written a letter asking the Washington government to recall him.[60] Under these circumstances nothing further was done with the pending commercial treaty during the brief remainder of Poinsett's residence in Mexico.

On October 16, 1829, Secretary Van Buren, in instructing Anthony Butler, who was being sent as chargé to succeed Poinsett, declared that the conduct of Mexico, whether caused by a mistaken policy, an un-

[59] Poinsett to Van Buren, July 15, 1829, MS., Department of State, Despatches from Mexico, IV.

[60] For a full account of these matters, see below, chapter on Public Attacks on Poinsett and his Recall.

friendly disposition, or the influence of foreign nations hostile to the United States, had deeply wounded the sensibilities of the people of the United States. After reviewing the slow progress of the fruitless four year negotiation and contrasting the promptness of the Washington government in acting on the two treaties with the dilatory policy of Mexico, he declared that the latter had again permitted the time allowed for exchanging ratifications to pass without action. He added that they still had not acted, and declared: "The solemn compact has again been cancelled; and if, by the law of nations, blame is incurred by a state which refuses to sanction the obligation which its authorized agent has contracted in its name, that blame rests on Mexico, by whose act this obligation has twice been disregarded."[61]

Thus within the period which this study properly covers no treaty of commerce was concluded. But to show that the negotiations were not wholly fruitless it should be added that on April 5, 1831, while Butler was representing the United States in Mexico, a treaty was signed which was ratified by both powers and of which the ratifications were exchanged exactly one year later, the last day on which they could be exchanged according to the provision limiting the time within which the exchange must be effected. Butler's treaty of 1831 embodied nearly all of the articles contained in Poinsett's treaty of February 14, 1828. In

[61] Van Buren to Butler, October 16, 1829, MS., Department of State, Instructions, American States, XIV, 149; House Documents, 25 congress, 2 session, number 53, page 51.

many of them there were immaterial verbal changes. A few important changes were made. The most striking as well as important was the entire omission of the article requiring the rendition of fugitive slaves. The agreement to restrain the frontier Indians remained practically as Poinsett had drawn it. The thirty-second article of Butler's treaty was entirely new. Its purpose was to regulate and protect the commerce between Missouri and New Mexico,—the Santa Fé trade. The twelve year period for which Poinsett's treaty was to endure was changed to eight years in Butler's, and beyond that time until one year after either power should serve notice of an intention to terminate it, instead of six months as Poinsett had arranged. For the exchange of ratifications instead of six months, an entire year was allowed, and, as stated above, they were not exchanged until the last day. The additional article suspending the operation of the "perfect reciprocity" arrangement of the fifth and sixth articles was limited to six years instead of ten as in Poinsett's treaty.[62]

[62] United States, Treaties and Conventions, from 1776 to 1909, I, 688; Mexico, Tratados y Convenciones, I, 150 and 163.

CHAPTER VIII

Commercial Controversies

In the absence of a treaty to regulate the commerce between the two countries, continual disputes arose over the rights and privileges of United States merchants and merchandise in Mexico. Importers, ship owners, and masters of vessels complained of mistreatment at the hands of Mexican officials at the ports of entry. On the other hand Mexican officials complained of violations of Mexican laws by those who brought goods from the United States. Much of Poinsett's time while in Mexico was occupied in attempts—frequently vain attempts—to adjust such disputes.

It will be recalled that when Obregon set out from Mexico in September, 1824, to represent his government in the United States he was instructed to appoint and supervise Mexican consuls in the United States and through them enforce regulations governing the shipment of goods to Mexico.[1] To make sure that these consuls would have opportunity effectually to supervise shipments and enforce regulations, he was instructed to require that every invoice for such goods should be certified by a Mexican consul at the port of origin. To make sure that shippers would submit

[1] See above, the chapter on Beginnings: Early Mexican Representatives at Washington.

to this requirement, a drastic penalty was provided for its violation. Any goods found in a Mexican port of entry for which such consular certificate could not be produced was, because of that fact, to be seized as contraband. Obregon was instructed to cause to be published in the papers of the United States both the requirement concerning the consular certificates and the penalty for its violation. In order to insure the faithful enforcement of these regulations by the consuls, Obregon was instructed to exercise great care in their selection, choosing persons of known credit and good reputation, preferring always Mexican citizens if such were available, and avoiding naming any Spaniard.[2]

As instructed, Obregon appointed consuls for the principal exporting cities of the United States,[3] and they proceeded to obey their instructions regarding the issuance of consular certificates. Their diligence in

[2] Secretario to Obregon, Instrucciones, 30 de agosto de 1824, MS., Relaciones Exteriores. In the rough draft of these instructions from which the transcript was made there is opposite the beginning of the third paragraph, which relates to the consular certificates, a marginal note reading "3ª Suprimida"; but the paragraph must have been restored, since its instructions were obeyed.

[3] Obregon to Clay, May 11, 1825, tells of the appointment of vice-consuls for New York, Philadelphia, and Baltimore, and requests exequaturs for them. Same to same, February 5, 1827, announced a new vice-consul for Philadelphia and requested an exequatur for him. Same to same, July 2, 1827, announced an appointment for Charleston. Montoya to Clay, October 22, 1828, did the same for New Orleans. Same to same, January 2, 1829, did likewise for the Florida ports, MS., Department of State, Notes from Mexican Legation, I.

the matter is partially accounted for by the fact that there was a fee of two dollars to be paid for issuing each certificate. Every separate invoice had to have its own certificate. Merchants were in the habit of sending two invoices with each shipment. A single ship frequently carried as many as sixty different shipments. This meant a tax of two hundred and forty dollars paid to Mexican officials on a merchant vessel before it even started for Mexico.[4] Many vessels neglected to secure these certificates in spite of the drastic penalty, expecting to evade it in some way when they reached the Mexican port. Probably some vessels left port before Mexican consuls had been established there. Possibly some were ignorant of the regulation.

In the latter part of the year 1825 the Mexican port officials began to enforce the regulation and to apply the penalty if the certificates were not forthcoming. On October 29 Poinsett wrote to Clay that three vessels from Philadelphia had been seized at Alvarado because they were without the certificates. On Poinsett's bringing the matter to the attention of the government at Mexico the goods had been released to the consignees on bond, until the legality of the procedure should have been determined. The central government had taken the matter under advisement, Poinsett said, and some general measures

[4] Poinsett to Secretario, November 16, 1826, enclosed with Poinsett to Clay, December 23, 1826, MS., Department of State, Despatches from Mexico, II.

would be determined upon.[5] A few days later one member of the ministry wrote to another saying that he believed an injustice had been done to United States shipping by requiring the certificates and thought it would be expedient to suspend the measure. This communication was handed to Poinsett and enclosed by him with his letter to Clay on December 1.[6] When Clay received Poinsett's report of the seizures he called the matter to the attention of Obregon and received from that gentleman a note of January 4, 1826, defending the consular certificates and the regulations requiring them, of which he was the author.[7]

On March 20, 1826, Clay told Poinsett of the seizure of a vessel called the *Fair American* in a Mexican port because her master had been unable to present a certificate from the Mexican consul at the port of origin.[8] Before the arrival of Clay's instruction the case had been brought to the attention of Poinsett and he had explained it to the Mexican government and demanded the restoration of the goods.[9] On April 30 Poinsett told Clay of this note to the Mexican gov-

[5] Poinsett to Clay, October 29, 1825, MS., Department of State, Despatches from Mexico, I.

[6] Poinsett to Clay, December 1, 1825, enclosing Esteva to Llave, November 7, 1825, MS., Department of State, Despatches from Mexico, I.

[7] Obregon to Clay, January 4, 1826, MS., Department of State, Notes from Mexican Legation, I.

[8] Clay to Poinsett, March 20, 1826, MS., Department of State, Instructions, XI, 18.

[9] Poinsett to Secretario, April 20, 1826, enclosure "A" with Poinsett to Clay, July 12, 1826, MS., Department of State, Despatches from Mexico, II.

ernment of ten days earlier and said the secretary of the treasury had "written to Refugio for a statement of the circumstances in relation to this extraordinary affair."[10] About six weeks later the Mexican government affirmed its opinion that the want of consular certificates justified the seizure. On July 8 Poinsett addressed to the secretary for foreign relations a long and vigorous note defending the schooner *Fair American,* condemning what he called the unjust and irregular consular regulations of Mr. Obregon, and demanding the restitution of the cargo with indemnification for the owners.[11] These notes made it clear that the views of the two governments were diametrically opposed in the matter. In his despatch transmitting to Clay this correspondence with the Mexican government Poinsett said he had always considered Obregon's consular regulations irregular; had always opposed their execution; and had received from the Mexican President and ministers assurances that they should be modified. Because of them, trade from the United States had been repeatedly plundered in a shameful manner by Mexican officials. He was collecting evidence in all such cases and would demand restitution.[12]

[10] Poinsett to Clay, April 30, 1826, MS., Department of State, Despatches from Mexico, I.

[11] Camacho to Poinsett, June 12, 1826, enclosure "B," and Poinsett to Camacho, July 8, 1826, enclosure "C" with Poinsett to Clay, July 12, 1826, MS., Department of State, Despatches from Mexico, II.

[12] Poinsett to Clay, July 12, 1826, MS., Department of State, Despatches from Mexico, II.

Of the many subsequent seizures for the same reason that one which elicited the most vigorous protest from Poinsett and furnished occasion for the most extensive correspondence was the case of the brig *Delight*. After a second cargo of this vessel had been seized Poinsett protested to the Mexican government, September 29, 1826, that according to the commercial usage of nations these regulations were illegal. Mexico, he said, had obligated herself to observe those usages by the mere fact of her having declared herself an independent nation. He showed also that the regulations were contrary to the true interests of Mexico since they were turning United States shipping away from Mexico.[13] In writing to Clay concerning this new case, Poinsett dwelt at length on the irregularity, illegality, and injustice of the consular certificates. There was not even a Mexican law to justify them, he said. They seemed to rest solely on the authority of Mr. Obregon, whose only justification was an order from Alaman. The Mexican cabinet were not agreed upon the matter. Some opposed and some favored the continuance and strict enforcement of the regulations. The dispute concerning the *Fair American* was not yet adjusted. In these two and other similar claims nearly a million dollars' worth of United States property were involved.[14] On November 8 Clay in-

[13] Poinsett to Esteva, September 29, 1826, enclosed with Poinsett to Clay, October 21, 1826, MS., Department of State, Despatches from Mexico, II.

[14] Poinsett to Clay, October 21, 1826, MS., Department of State, Despatches from Mexico, II.

structed Poinsett to demand the restoration of the cargo of the brig *Delight,* to repeat his remonstrance against the consular certificates, "and to require that they be either altogether dispensed with or placed upon some less questionable authority."[15]

Long before Clay's instruction arrived Poinsett had repeated his protests several times. On November 16 in view of new seizures he declared that the United States government would "insist on their citizens being indemnified for their losses."[16] And on December 8 he showed the Mexican government the unfairness of the regulations in view of the fact that this hardship was suffered only by that nation which had proved itself most friendly to Mexico and had first recognized Mexican independence, while those nations which had not yet recognized Mexico were permitted to trade without these hardships.[17] In transmitting these notes to Clay, Poinsett declared: "A more flagrant and unjustifiable violation of the property of our citizens never occurred in any country."[18]

It was still a year and a half after the exchange of

[15] Clay to Poinsett, November 8, 1826, MS., Department of State, Instructions, XI, 187. This was written long before the receipt of Poinsett's letter of October 21, which did not reach the State Department until December 24.

[16] Poinsett to Secretario, November 16, 1826, enclosure "A" with Poinsett to Clay, December 23, 1826, MS., Department of State, Despatches from Mexico, II.

[17] Poinsett to Secretario, December 8, 1826, enclosure "B" with Poinsett to Clay, December 23, 1826, MS., Department of State, Despatches from Mexico, II.

[18] Poinsett to Clay, December 23, 1826, MS., Department of State, Despatches from Mexico, II.

these vigorous notes before the controversy over the consular regulations was settled. On July 14, 1828, Poinsett transmitted to Clay a note from the Mexican secretary for foreign relations stating that consular certificates to the invoices of goods would no longer be required. Poinsett suggested that notice of the removal of the troublesome regulations be published throughout the United States.[19] Thus ended this contention which had troubled the commercial and diplomatic relations between the two countries for three years.

Another cause of discord was unfair tariff charges in Mexican ports on merchandise from the United States. Difficulty on this score had begun long before Poinsett's arrival in Mexico. In November of 1824 after a vessel had unloaded a part of its cargo of cotton goods from the United States an order from the secretary of the treasury arrived, arbitrarily increasing their valuation so that without any change in the tariff rates the duties were practically doubled. The order was to become effective immediately and was even retroactive, affecting goods already landed. The United States consul protested and the valuation was reduced to the former standard. Among the early notes from Poinsett to the Mexican government was one of July 18, 1825, protesting against the injustice of such a measure, arguing its irregularity according to the practice of nations, asking that the in-

[19] Poinsett to Clay, July 14, 1828, enclosing Cañedo to Poinsett, June 19, 1828, MS., Department of State, Despatches from Mexico, IV.

jured merchants be reimbursed for excess duties paid while the order was in force, and that they be relieved from the payment of a considerable sum still due. In his report of the matter to Clay, Poinsett said that a new tariff was one of the subjects to be considered by the extraordinary session of Congress soon to assemble. He promised to use every effort to have manufactured goods from the United States placed at a lower rate.[20] About three months later Poinsett reported that the secretary of the treasury had refunded to the merchants the excess duties which they had paid because of the arbitrary increase in valuation in the case referred to above.[21] But this was only one of many similar cases.[22]

This acknowledgment of its error and reversal of its action in one case did not deter the Mexican government from similar action subsequently. Late in 1826 it again tried suddenly to augment its income at the expense of foreign merchants. This time instead

[20] Poinsett to Clay, July 18, 1825, enclosing Poinsett to Alaman, July 18, 1825, MS., Department of State, Despatches from Mexico, I.

[21] Poinsett to Clay, October 6, 1825, MS., Department of State, Despatches from Mexico, I.

[22] Poinsett to Clay, December 1, 1825, enclosing Poinsett to Suberville, November 11, 1825, and Poinsett to Camacho [?], tells of another claim almost the same as the above, MS., Department of State, Despatches from Mexico, I. Clay to Poinsett, December 7, 1826, MS., Department of State, Instructions, XI, 218, transmits papers relating to another such claim. Poinsett to Clay, January 25, 1827, MS., Department of State, Despatches from Mexico, II, acknowledges Clay's of December 7.

of increasing the valuation it increased the tariff rate, affecting the increase in duties directly instead of indirectly. This order affected cotton goods from England equally with those from the United States. Protests came from the merchants of both countries against having the increase become immediately effective without previous notice. Poinsett sent a note of remonstrance to the Mexican government on December 28, 1826, showing the illegality of the measure according to the practice of nations, its injustice to the foreign merchants, and the inevitable ultimate decrease in the revenue of Mexico since the duty was made practically prohibitive. He demanded the restoration of the old duties for all goods then in the ports of Mexico or on the way from the United States. Through the United States consul at Vera Cruz Poinsett advised the merchants not to land their goods but to return them to the United States rather than pay the exorbitant duties. He said if the British merchants would do the same the Mexican government would soon submit.[23]

[23] Poinsett to Clay, December 27, 1826, enclosing Poinsett to Secretario, December 28, 1826, MS., Department of State, Despatches from Mexico, II. Accompanying these there is also a letter from British merchants to the British consul complaining of the same, and the letter from Poinsett to the consul at Vera Cruz, advising that the cargoes be returned. Poinsett to Clay, March 28, 1827, enclosed an act of the Mexican Congress fixing the valuation of cotton goods. Same to same, June 5, 1827, told of a law admitting building timber free for two years, which he suggested should be published. Poinsett to Van Buren, May 23, 1829, told of a law prohibiting the importation of certain products, which Poinsett

Many United States vessels and cargoes were seized in Mexico on various pretexts. Some were released after being held for a time, others were confiscated and sold. The instructions which Poinsett was given when he was preparing to start for Mexico told him of a schooner which had been seized in Vera Cruz harbor. It was supposed that the Mexican government would attempt to justify the seizure on the ground that it was violating the Mexican blockade of the castle of San Juan at the entrance to the harbor, which castle was still held by Spain. Clay declared that such an excuse would not be valid unless there had been a sufficient naval force outside the harbor to make the vessel's approach hazardous, or unless she had been warned of the existence of the blockade before she entered.[24]

In 1825 a vessel was seized on the ground that it

thought would nearly ruin the commerce with the United States and decrease the Mexican revenue by one third. He enclosed a copy and suggested that it be published for the protection of shippers, MS., Department of State, Despatches from Mexico, III and IV.

[24] Clay to Poinsett, March 26, 1825, MS., Department of State, Instructions, X, 225. Clay to Poinsett, April 16, 1825, said that Obregon had called to request a public notification by the United States government of the fact that the Castle of San Juan was blockaded by the Mexican government. The United States consul at Alvarado had declared that he would not respect the blockade until notified by his own government of its existence. Clay declared that the consul was mistaken and that Obregon had been so informed. Poinsett was asked to notify all United States consuls in Mexico that it was not necessary for their government to notify them of a blockade to make it worthy of respect.

was carrying goods which were the produce of Spain and hence excluded from Mexico. Clay said it was asserted that they were not of Spanish but French origin, and asked Poinsett to take such steps in the case as he might think proper and necessary.[25] A similar case was brought to the attention of the State Department late in 1826. A cargo of white wax had been seized because it was thought to have been of Spanish or Cuban origin. The documents submitted showed on the contrary that it was of Russian origin and was owned by citizens of the United States. Clay asked Poinsett to aid in procuring the restoration of the goods and damages for their detention.[26]

A very interesting claim was that of a New York insurance company against the Mexican government which had its origin in 1824 and was kept pending for more than three years. A vessel named the *Liberty*, carrying a cargo of goods which it had been forbidden to land after August 20, 1824, started from the port of origin in the United States in time to reach its destination before that date. But an accident en route caused the owners of the vessel to abandon it for lost, turning it and its cargo over to the insurance company. The latter recovered the vessel and sent it on to its

[25] Clay to Poinsett, September 12, 1825, MS., Department of State, Instructions, X, 378.

[26] Brent to Poinsett, November 29, 1826, and Clay to Poinsett, December 21, 1826, MS., Department of State, Instructions, XI, 217, 223; and Poinsett to Clay, March 7, 1827, enclosing several documents showing that he had already been working on the case for more than a year, MS., Department of State, Despatches from Mexico, II.

destination. In the meantime the law had gone into effect which excluded the cargo, and it was seized as contraband. The company insisted that the delay was unavoidable and put in a claim to recover. Poinsett wrote Clay on October 6, 1825, that he was not sure of the justice of the case and would await advice before presenting the claim.[27] Clay replied the following May,[28] and in August Poinsett said he would present the claim and press it vigorously. He said delay would be unavoidable and justice was uncertain.[29] In November of the next year Poinsett sent his last report on the matter to Clay enclosing correspondence with the Mexican government. A note of June 13, 1827, while not denying the justice of the claim, had said that the owners ought to claim damages not from the government but from the offending officials, basing their decision on an old Spanish law.[30]

One of the prohibited articles was sugar. In 1826 a ship owned in the United States was bound from a Chinese port for Lima in Peru with a cargo of sugar. It was compelled by distress to put into the harbor of San Blas and land its cargo to repair damages.

[27] Poinsett to Clay, October 6, 1825, MS., Department of State, Despatches from Mexico, I.

[28] Clay to Poinsett, May 11, 1826, MS., Department of State, Instructions, XI, 70.

[29] Poinsett to Clay, August 26, 1826, MS., Department of State, Despatches from Mexico, II.

[30] Poinsett to Clay, November 9, 1827, enclosing Poinsett to Secretario, May 25, 1827, and Espinosa to Poinsett, June 13, 1827, MS., Department of State, Despatches from Mexico, III.

When ready to continue its voyage it was prevented from reloading its cargo, and, instead, the government officials confiscated the sugar. Poinsett addressed a note on October 24, 1826, to the secretary for foreign relations asking the release of the cargo. The request was granted.[31]

Even after goods had successfully passed the port of entry they were not sure of being exempt from seizure and confiscation by Mexican officials because of some petty irregularity. A law of the state of Tamaulipas had fixed a definite route for goods in transit from Tampico to San Luis Potosí, and declared that any goods found off this route would be considered contraband. In the spring of 1828 a carrier with goods belonging to citizens of the United States had been compelled to deviate from this route because of the scarcity of water. The goods conformed in every other way with the requirements. They were confiscated by officials because they were found off the established route. In a note of May 8, 1828, Poinsett protested to the secretary for foreign relations and demanded the restoration of the goods or, in case they had been sold, compensation for them.[32] A few days later Poinsett addressed another note explaining that a small quantity of arms not embraced within the Mexican law prohibiting the importation

[31] Poinsett to Clay, December 13, 1826, with enclosures, MS., Department of State, Despatches from Mexico, II.

[32] Poinsett to Cañedo, May 8, 1825, enclosed with Poinsett to Clay, July 15, 1828, MS., Department of State, Despatches from Mexico, IV.

and sale of arms had been detained at San Luis Potosí. Two days after this note was written asking their restoration a reply came saying that orders had been given to restore the arms.[33]

In the summer of 1829 after the Spanish forces which had been occupying Tampico had evacuated that port, two schooners from the United States arrived loaded with provisions intended for the Spanish army. They were prohibited articles according to Mexican law, and both vessels and cargo were seized. The secretary for foreign relations brought the matter to Poinsett's attention, saying it was a case for decision by the courts. The latter replied the following day that the cargoes were subject to confiscation but not the vessels, and that his government would hold the Mexican government responsible for any damage or loss to the vessels.[34] Even money belonging to citizens of the United States was not exempt from seizure by Mexican officials.[35]

[33] Poinsett to Cañedo, May 29, 1828, and Cañedo to Poinsett, May 31, 1828, enclosed with Poinsett to Clay, July 15, 1828, MS., Department of State, Despatches from Mexico, IV.

[34] Viesca to Poinsett, November 10, 1829, and Poinsett to Viesca, November 11, 1829, enclosed with Poinsett to Van Buren, November 11, 1829, MS., Department of State, Despatches from Mexico, IV.

[35] Clay to Poinsett, March 28, 1826, told of the seizure of a large sum of money belonging to a certain Jethrow Mitchell while on its way from Mexico to Vera Cruz. Eleven documents were sent in support of the claim for Poinsett's use in negotiating for the recovery of the money, MS., Department of State, Instructions, XI, 20. Clay to Poinsett, May 26, 1828, sent documents in support of the claim of a man named

In his letter to Clay of August 26, 1826, concerning the claim of the insurance company studied above, Poinsett expressed his regret that an organized system of smuggling from the United States to Mexico went far to justify the Mexican officials in suspecting every ship. He wished a stop could be put to this illegitimate trade in order to secure fair treatment for legitimate traders. The Mexican government made frequent complaints to Poinsett because of the conduct of these contraband traders from his country.

In January, 1826, the secretary for foreign relations brought to Poinsett's attention what he called the outrage committed by the brig *Nile*. Her captain had been carrying on a contraband trade in the port of Mazatlan. He was summoned by the alcalde of the port to answer before the local tribunal. Learning that the custom house officials were preparing to intercept him, he retired to his vessel and prepared to resist. He sent word to the commissary that he had powder and balls to sustain the sale of his cargo, if necessary. He hurled curses at the officers as he retired, and actually fired a cannon. He sailed away without permission and without examination by the commandant as the regulations required. Furthermore he left unpaid more than four hundred dollars of charges. In closing his first note on the subject Camacho requested that "Your Excellency will be pleased to cor-

Massacot, of Baltimore, who had suffered unjust treatment by Mexican officials at Sisal and lost more than fifteen hundred dollars in money. MS., Department of State, Instructions, XII, 105.

rect these disorders and to cause the subjects of your government to comply with the laws of the Republic." He asked also that the offending captain should be punished when the vessel should arrive in the United States. Poinsett apologized promptly, reported the outrage to his government, and said he had no doubt that proper punishment would follow.[36] In September Obregon brought the matter directly to Clay's attention.[37]

In April, 1826, the Mexican government called attention to an outrage committed by the schooner *Eagle*. This vessel had been captured at Sisal by a Mexican gunboat because she carried ten thousand dollars' worth of Spanish goods. She was placed in charge of a prize crew and ordered to Campeachy for adjudication. Before reaching that port the captain and crew of the vessel mutinied against the prize crew, overpowered them, took control of the ship, and sailed away for New Orleans. Camacho dwelt at length on the horrible offense that had thus been committed against the honor and dignity of his government, declared that the insults of American seamen had been "frequently repeated and with a degree of insolence and violence more proper to banditti than to republicans," and demanded satisfaction in the name

[36] Camacho to Poinsett, January 24 and 31, 1826, and Poinsett to Camacho, January 25, and March 5, 1826, all enclosed with Poinsett to Clay, March 8, 1826, MS., Department of State, Despatches from Mexico, I.

[37] Obregon to Clay, September 25, 1826, enclosing seven documents from several Mexican officials relating to the case, MS., Department of State, Notes from the Mexican Legation.

of the President of Mexico. Poinsett replied three days later that he would lay the circumstances before his government and believed some means would be adopted to satisfy the demands of the Mexican government. However he protested against the harsh language directed at United States seamen in general. He added that, however much it was to be regretted, the fact that smuggling existed was not to be wondered at, since it had continued for so long on the coasts of Mexico, and had even been encouraged during the long independence struggle so recently ended.[38] In reply to Poinsett's report of the matter Clay approved his resentment of the harsh criticism of United States of the conduct of the commander of the *Eagle,* and ship masters in general, but expressed disapproval said if the vessel should again come within the jurisdiction of Mexico and should be seized the United States would acquiesce in the arrest and punishment of the commander.[39] In September Obregon in the name of his government demanded the capture, trial, and punishment of the captain of the *Eagle,* and the restoration to liberty of the Mexicans whom he had made prisoners.[40]

In September, 1827, Poinsett presented a claim

[38] Camacho to Poinsett, April 24, 1826, and Poinsett to Camacho, April 27, 1826, enclosed with Poinsett to Clay, April 30, 1826, MS., Department of State, Despatches from Mexico, II.

[39] Clay to Poinsett, June 23, 1826, MS., Department of State, Instructions, XI, 139.

[40] Obregon to Clay, September 25, 1826, MS., Department of State, Notes from the Mexican Legation, I.

for damages because of the long detention without adjudication of the United States schooner *Superior,* which had been seized on a charge of smuggling, but which charge Poinsett claimed was not well founded. A reply of three weeks later said that, if an injustice had been done, the injured parties should prosecute their case in the competent tribunals.[41] In April, 1828, the Mexican government complained of the conduct of the master of the ship *Correo,* which had been detained at Mazatlan on a charge of smuggling, but had eluded the officers and escaped from custody. He complained also of two other vessels, the *Franklin* and the *Boston,* which had been carrying on illicit trade in California waters. Poinsett promised to communicate these cases to his government.[42]

The conduct of Mexican naval vessels and of Mexican privateers in preying on the commerce of Spain, and their use of United States ports, led to complications in the diplomatic relations. One of the most complicating circumstances was that Captain Porter, a citizen of the United States, had accepted a commission as commander of the Mexican navy; and had been supplied with a number of blank commissions which he was authorized to fill out and distribute to

[41] Poinsett to Secretario, September 13, 1827, and Espinosa to Poinsett, October 5, 1827, enclosed with Poinsett to Clay, November 9, 1827, MS., Department of State, Despatches from Mexico, III.

[42] Cañedo to Poinsett, April 16, 1828, and Poinsett to Cañedo, April 20, 1828, enclosed with Poinsett to Clay, July 14, 1828, MS., Department of State, Despatches from Mexico, IV.

United States vessels whose owners wished to undertake the business of privateering in the name of Mexico.[43] In May, 1827, Clay wrote a note to Obregon complaining that Commodore Porter was abusing the hospitality which had been extended to him at Key West, and was using that port as a rendezvous in which to recruit the Mexican privateering fleet and from which to prey upon Spanish commerce in ways inconsistent with the neutral position of the United States. A few days later Obregon promised Clay that he would take the necessary steps to prevent the further violation of the neutrality of the United States, wrote a letter to Porter asking him to respect that neutrality, and brought the matter to the attention of his government at Mexico.[44] Clay instructed Poinsett to approach that government also on the subject.[45] Poinsett presented his note concerning the matter in July. The Mexican government communicated with Porter, and in October informed Poinsett that he had left Key West.[46]

But this did not end the trouble growing out of

[43] Poinsett to Clay, July 8, 1826, MS., Department of State, Despatches from Mexico, II.

[44] Clay to Obregon, May 21, 1827, Obregon to Clay, 26 de mayo de 1827, Obregon to Porter, June 21, 1827, and Obregon to Secretario, 3 de agosto de 1827, the last enclosing copies of the others, MS., Relaciones Exteriores.

[45] Clay to Poinsett, May 31, 1827, MS., Department of State, Instructions, XI, 361.

[46] Poinsett to Secretario, July 18, 1827, and Espinosa to Poinsett, October 3, 1827, enclosed with Poinsett to Clay, October 5, 1827, MS., Department of State, Despatches from Mexico, III.

Porter's commissions and the conduct of the privateers holding authority from him. Commodore Ridgeley in the United States service stationed at Pensacola wrote Poinsett in April, 1828, that Porter had published a statement offering commissions to any who would accept them to search for Spanish goods. Poinsett's note of protest to the Mexican government shortly after receiving this declared that Porter was going further than ever known before in his violation of the principle, "neutral flags cover enemy's goods." He showed how injurious this would be to the trade of the United States and how dangerous it would be to the peace between the United States and Mexico. Since the conduct of Porter had been based by the Mexican government on an old Spanish law, Poinsett claimed exemption for United States vessels carrying Spanish goods under the treaty between the United States and Spain of 1895. But, he added, Mexican goods could not claim exemption from seizure by Spanish privateers because Mexico did not recognize that principle. In its reply the Mexican government merely explained its regulations governing the conduct of privateers and the treatment of goods taken as prizes, but did not disavow or promise to check Porter's acts.[47]

[47] Ridgeley to Poinsett, April 13, 1828, Poinsett to Ridgeley, May 12, 1828, and Poinsett to Cañedo, May [12], 1828, enclosed with Poinsett to Clay, May 20, 1828; and Cañedo to Poinsett, May 13, 1828, and Poinsett to Cañedo, June 3, 1828, enclosed with Poinsett to Clay, July 15, 1828, MS., Department of State, Despatches from Mexico, IV.

In April, 1828, Obregon addressed a note to Clay complaining that the collector of customs at Key West had ordered out of that port a Mexican man-of-war which had arrived there with a Spanish prize. The collector claimed that the captor had violated the neutrality laws. Permission to repair damages had even been refused, it was said; and when the man-of-war declined to proceed elsewhere its prize was seized by the custom house officers and the Mexican flag hauled down from her mast. The Mexican minister demanded satisfaction for the insult to his government and indemnity for the interested parties.[48] In May the Mexican government asked Poinsett to explain the occurrence. Poinsett replied that he was at a loss to account for the seizure unless some law of the United States had been violated by the captor, or unless it was not a regularly commissioned vessel. Some of the commissions which Porter had granted, he said, would come under the last head.[49] In August another note from the Mexican government to Poinsett described the conduct of the collector of Key West as an

An unsigned note but apparently in Poinsett's hand written on the blank page following his signature to a despatch to Clay of June 4, 1828, says: "Private orders have been given by the Commodore not to molest our vessels or search them. This order has been confidentially communicated to me."

[48] Obregon to Clay, April 18, 1828, MS., Department of State, Notes from the Mexican Legation, I.

[49] Cañedo to Poinsett, May 17, 1828, and Poinsett to Cañedo, May 20, 1828, enclosed with Poinsett to Clay, July 15, 1828, MS., Department of State, Despatches from Mexico, IV.

insult to Mexican citizens and the Mexican flag, and asked reparation. He promised in turn that the Mexican commanders who had suffered the insult should be brought to trial if they were charged with improper conduct. Poinsett replied that the United States would give satisfaction if it should prove that the collector had acted improperly. A letter to Poinsett from Commodore Ridgeley at Pensacola declared that the conduct of the commanders of the Mexican privateers had been disgraceful to Mexico, and enclosed papers in support of his declaration. Poinsett answered him that the evidence he had submitted was insufficient and asked for more.[50] In reporting the matter to Clay Poinsett said the commander of the English forces in the West Indies had ordered the seizure of any Mexican vessel which should attempt to take any enemy goods from an English ship. This he said had created a sensation. He advised that the United States should take the same step.[51]

Porter was only the most prominent of many citizens of the United States who entered the Mexican naval service, some voluntarily and others against their will. In April, 1826, a note from Poinsett

[50] Cañedo to Poinsett, August 16, 1828, Poinsett to Cañedo, August 21, 1828, Ridgeley to Poinsett, August 18, 1828, and Poinsett to Ridgeley, September 7, 1828, enclosed with Poinsett to Clay, September 15, 1828, MS., Department of State, Despatches from Mexico, IV.

[51] Poinsett to Clay, September 15, 1828, MS., Department of State, Despatches from Mexico, IV. This is not the letter referred to in note 50, but another of the same date.

complained that a Mexican press gang had recently seized in Vera Cruz a number of seamen from United States merchant vessels. Several others were being detained on Mexican ships of war after their term of service had expired, and others had been dismissed unpaid. He asked the punishment of offending officials and the release of the detained seamen.[52] About a year later Poinsett protested against the concealment on a Mexican war vessel of deserters from merchant vessels of the United States. He said if this were allowed to continue it would cause great injury to commerce. The Mexican secretary for war claimed that sailors from merchantmen were free to enter whatever service they chose; but gave orders for dealing with those who were responsible for concealing the deserters. Poinsett protested vigorously against the assertion that sailors from merchantmen were free to change employment whenever they chose.[53]

Besides the controversies arising directly out of commercial transactions Poinsett was frequently called upon to present claims against the Mexican government for losses to merchants and travelers at the hands of robbers and bandits. From the mass of

[52] Poinsett to Secretario, April 11, 1826, enclosed with Poinsett to Clay, April 30, 1826, MS., Department of State, Despatches from Mexico, I.

[53] Poinsett to Secretario, March 7, 1827, Espinosa to Poinsett, March 20, 1827, Poinsett to Secretario, March 26, 1827, enclosed with Poinsett to Clay, April 12, 1827, MS., Department of State, Despatches from Mexico, II.

correspondence concerning claims which has accumulated in the archives of the Mexican foreign office one is almost forced to the conclusion that the adjudication of these claims has been the principal business of that office from its inception to the present time.[54]

[54] The documents in the archives of the Department of State in Washington relating to these are too numerous, and most of them of too little value, to cite. The archives of Relaciones Exteriores in Mexico contain boxful after boxful of correspondence on these claims.

CHAPTER IX

Texas and the Boundary Issue

It is the purpose of this chapter to consider diplomatic relations only. Internal affairs in Texas will be alluded to only when they furnish an occasion for or exercise an influence upon diplomatic communications.

The secret instructions given on October 31, 1822, to Zozaya, the first Mexican minister to the United States, required him to ask the views of that government with reference to the limits of Louisiana. He was told that the imperial Mexican government considered the treaty of February 22, 1819, between the United States and Spain valid, and was disposed to carry out its provisions for establishing permanent landmarks. He was to learn whether any settlements had been effected or were being planned which would prejudice the rights of the empire under that treaty.[1]

Spain's refusal to ratify the treaty for almost two years in the vain effort to induce the United States to agree not to recognize her rebellious colonies had delayed its execution until Mexico had become de facto independent. The recognition of that independence by the United States in the early part of

[1] Instrucciones Reservadas para Zozaya, 31 de octubre de 1822, La Diplomacia Mexicana, I, 85. This treaty, later known as the Florida Treaty, is always spoken of in the correspondence of the time as the Treaty of Washington.

1822 made it necessary to reckon henceforth with Mexico in any matter concerning the southwestern boundary. In the meantime much had been said concerning the treaty and the claim to Texas which many asserted the United States had acquired in purchasing Louisiana from France. There was a strong disposition on the part of many people, some having considerable influence with the government, to take advantage of the change of sovereignty to regain the territory which they insisted had thus been bartered away.[2] This sentiment in the United States was strengthened by a statement of Onis, the Spanish negotiator of the treaty, to the effect that "it is improperly called a treaty of cession, as it is in reality one of exchange or permutation of one small province for another of double the extent, richer and more fertile."[3]

The language of Onis also strengthened the suspicious fears of the Mexican government concerning the intentions of the United States. Elsewhere he

[2] The discussion of the basis for, the character of, and the justice of this claim is not in place here. See Rives, United States and Mexico, 1821–1848, I, 1–26; Smith, Annexation of Texas, 5–8; Babcock, Rise of American Nationality, 285–289; Cox, "Louisiana-Texas Frontier," Texas Historical Quarterly, X, 1–75, XVII, 140–187; and Bancroft, North Mexican States and Texas, II, 46; and footnotes in each.

For the discussion by President Monroe's cabinet of the question whether the provisions of the treaty for marking out the boundary line should be carried out in conjunction with the commission to be appointed by Spain, or whether Mexico should be consulted, see Adams, Memoirs, V, 493.

[3] Onis, Memoir, 146. Onis, Memoria, was printed in Madrid in 1820, and this translation was printed in Baltimore in the following year.

says, "The Americans at present think themselves superior to all the nations of Europe; and believe that their dominion is destined to extend now to the Isthmus of Panama and hereafter over all the regions of the new world. Their government entertains the same ideas, and the whole course of its policy calculates upon the illusions of these flattering expectations."[4] The ephemeral republic proclaimed by Long in 1819 and the colonization enterprises of the Austins and others in the following years confirmed the suspicions of the Mexicans. Less than a month after Minister Zozaya had landed at Baltimore, less than two weeks after his formal reception at Washington, and only two days after the banquet which President Monroe gave in his honor, he wrote his government on December 26, 1822, that he had discovered ambitious views with reference to the province of Texas. In the national Congress and in the state legislatures, he said, there was talk of enlarging the army and militia, which movement he believed had no other object than that arising out of their ambition for Texas. He declared: "In time they will be our sworn enemies, and foreseeing this we ought to treat them as such from the present day."[5] In August, 1823, Torrens, the Mexican chargé, wrote his government that he fre-

[4] Onis, Memoir, 23.

[5] Nota del Ministro Zozaya, 26 de diciembre de 1822, La Diplomacia Mexicana, I, 103. He virtually repeats the language of Onis when he says: "La soberbia de estos republicanos no les permite vernos como iguales sino como inferiores; su evanecimienta se extiende en mi juicio á creer que su capital lo será de todos las Americas."

quently noticed the public papers enlarging on the fine location and fertility of the territory of Texas and reminding the government that it ought not to have lost the opportunity to obtain this rich province from Spain; and one of the objections which the enemies of the secretary of state were urging against his candidacy for the presidency was that he had ceded the province to the Spaniards. In the same letter Torrens advised his government not to permit the American population to become preponderant in Texas.[6] Mexican authorities in Texas were at the same time sending alarming reports of the activities of United States military establishments near the border. As a result of these the imperial government had sent a secret emis-

[6] Nota del . . . Torrens, 21 de agosto de 1823, La Diplomacia Mexicana, II, 22. Ibid., 50–53, under date 22 de noviembre de 1823, Torrens writes at length concerning proposed Anglo-American colonies in Texas, saying among other things, "mi opinion es, que intentando algunos agentes de Nuevo Orleans hacer establicimientos de anglo-americanos en Texas, con el mismo objeto que lo habian hecho en Baton Rouge, de adquirir una influencia y maioria en la población y hacerlos declarar que querian unirse á los Estados Unidos, promovieron expediciones al principio como auxiliares de los independientes á quienes dieron las instrucciones que descubrió Mercado; y después que vieron que México estaba casi pacifico, se propusieron adular á los realistas diciendo que iban á ayudar á exterminar la canalla de insurgentes, creyendo llevar al cabo de este modo su primer projecto. Por tanto, me parece peligroso permitirles establecerse en gran número y formando pueblos separados, porque esto vendría á ser el origen de disensiones con los Estados Unidos." He asks for instructions concerning the course he should pursue regarding limits. He had not received anything on that subject since the change in the government.

sary into Texas in the latter part of 1822 to ascertain the true intentions of the United States.[7]

On October 1, 1823, Alaman, who was secretary for foreign affairs of the provisional government which had taken control after the fall of Iturbide in the spring, instructed Torrens to use all his skill and energy to have the boundary which had been established between the United States and Spain confirmed and marked out.[8] When Torrens received this instruction he asked an interview with Adams before delivering any note on the subject to learn in advance whether there would be any difficulty in carrying it out. On January 26, 1824, he wrote that he had discovered some difficulties. The time provided in the treaty for the appointment of commissioners by both governments to mark the boundary had expired. Then a proclamation of the king of Spain had declared null and void everything that had been enacted by the constitutional government which had ratified the treaty. He proposed to wait fifteen or twenty days before he handed the government a note asking its intentions. According to that explanation he would word his reply; but he would insist that the attitude of Spain had nothing now to do with the matter, and

[7] Bugbee, "Texas Frontier, 1820–1825," 114 (reprint from Publications of the Southern History Association). As evidence he cites letters in the Bexar Archives.

[8] Alaman to Torrens, 1 de octubre de 1823, La Diplomacia Mexicana, II, 33. Alaman's memorial to Congress, November 1, 1823, in British and Foreign State Papers, X, 1072; and Poinsett, Notes on Mexico, 311. He says the chargé has been instructed to secure the confirmation of this line.

that Mexico and the United States should proceed to carry out the treaty, naming their commissioners to mark the boundary, if not by virtue of the fourth article of the Spanish treaty, then by a new convention. He was sure the government would attempt to gain some advantage by this new pretext, and would not be surprised if the troops on the frontier should be ordered to advance into Mexican territory, so unlimited was their ambition for Texas. General Jackson, to whom he had been introduced, had declared in his presence that the government ought never to have lost the opportunity to obtain it. In the same conversation Jackson had said the way to obtain a territory was to occupy it and after having possession treat for it, as had been done in Florida. It would not be strange, Torrens said, if the coming election should result in his elevation to the presidency, in which case he would be sure to employ this method.[9]

The note which Torrens presented February 15, 1824, declared that the supreme executive power of Mexico, wishing to remove all matters that might affect the good understanding which it desired to maintain with the United States, had instructed him to ask "that the limits between the two countries be fixed according to the third article of the treaty of Washington of the 22d of February, 1819, . . . I have therefore the honor to transmit the present communication to your Excellency in order to ascertain whether the Executive of the United States is disposed

[9] Nota del . . . Torrens, 26 de enero de 1824, La Diplomacia Mexicana, II, 73.

to acknowledge the said article, and will accordingly appoint the commissioners aforesaid; requesting at the same time that your Excellency may be pleased to inform me as early as convenient of the intention of the President of the United States on the subject."[10] A little more than a month after presenting this note Torrens wrote his government that he had received no reply.[11] Five months after its presentation he wrote that he had asked an interview with the secretary of state to learn why no reply had been sent.[12] But still no reply came. On April 15, 1824, the political chief of the Department of Texas had written the government at Mexico that he was certain "the United States was 'trying to annul or at least has the idea of annuling' the treaty of 1819, and he believed the American government would then assert its claim to the banks of the Rio Grande." Similar alarming reports from the same source followed. From various officials in Texas many letters were sent warning the government against the danger of permitting Anglo-American colonists to come in such large numbers into that territory.[13]

[10] Torrens to Adams, February 15, 1824, House Executive Documents, 25 congress, 1 session, number 42, page 6; British and Foreign State Papers, XXVI, 828.

[11] Torrens to Secretario, 23 de marzo de 1824, MS., Relaciones Exteriores.

[12] Torrens to Secretario, 14 de julio de 1824, MS., Relaciones Exteriores.

[13] Bugbee, "Texas Frontier, 1820–1825," 115, citing Bexar Archives. A letter of September 19, 1824, from the political chief of Bexar said: "The Anglo-American government counts this province as its own and includes it on its maps,

When in the middle of 1824 Obregon was appointed minister to Washington his secret instructions, dated August 30, told him the reports of Torrens indicated that the United States had intentions on Mexican territories in the Californias, New Mexico, and Texas; and with reference to the last those intentions were general and public. Obregon was told to pay particular attention to this matter. At this time the Mexican government seems to have been uncertain whether this was or was not an opportune time to press the negotiation for a treaty of limits. In the original draft of these secret instructions in the archives of the foreign office in Mexico, there was inserted and then erased a paragraph saying he was not to begin the negotiation for the treaty of limits till circumstances were more favorable; but if necessity should arise to say anything about the matter he was to claim the limits of the treaty of 1819. Immediately following this erased paragraph is one which completely reversed it. In that he is told that the principal object of his mission is the negotiation of a treaty of limits as early as possible and in the most advantageous terms. He was to use his best efforts to secure the acknowledgment of the treaty concluded between the United States and Spain. If before such negotiation should be completed the United States or its citizens should attempt the occupation of any territory belonging to Mexico under that treaty he should formulate claims on it as a basis. He was told that great

tracing its boundaries from the sources of the Rio Grande to its mouth on the coast of Tamaulipas."

circumspection was necessary in reference to all who came from the United States since there was danger of the introduction of spies or of invaders in disguise. In carrying out his general instructions regarding the admission of colonists he was to bear in mind these secret instructions. All reports on these matters were to be in cipher.[14]

Obregon's general instructions bearing the same date as his secret instructions told him that colonization was one of the most important matters then occupying the attention of the government. He was asked to call attention to the general law of August 18, 1824, on the subject and to publish its regulations in the newspapers of the United States. All colonists from the United States, he was reminded, must bear passports and recommendations from Mexican diplomatic or consular agents in the United States. It was necessary to know the place of origin, the means of support, and the character of all colonists or empresarios. Those under suspicion, vicious adven-

[14] Instrucciones mui Reservadas, 30 de agosto de 1824, MS., Relaciones Exteriores.

It is interesting to note in this connection that Mexicans thought of asserting a claim to the Oregon country. Torrens wrote that the settlement of that country was being considered in the United States Congress, where it was being urged that to leave this territory occupied by Indians with England on one side and Mexico on the other to intrigue with the Indians was dangerous to the United States and could do more harm than all Europe. Torrens added that he thought it would be dangerous to Mexico to permit the United States to occupy it. Torrens to Secretario, 5 de mayo de 1824, MS., Relaciones Exteriores.

turers, or vagabonds were to be excluded. But industrious persons, especially artisans, shipbuilders, and fishermen, were to be encouraged and given lands.[15]

Before the time of Poinsett's appointment as minister from the United States to Mexico in March, 1825, no reply had been made to Torrens's note of more than a year earlier and no negotiation had been undertaken for the settlement of the boundary. With the new minister, Obregon, no communication had passed on the subject. In the instructions which were given to Poinsett on March 26, 1825, by Clay, the secretary of state under the new Adams administration, the third article of the treaty of 1819 with Spain was quoted describing the boundary line, and the fourth article providing for its demarcation was mentioned. He was told that the treaty had not yet been carried into execution, but that "having been concluded when Mexico composed a part of the dominions of Spain

[15] Instrucciones, 30 de agosto de 1824. MS., Relaciones Exteriores. For the text of the colonization law see Mexico. Leyes, Decretos y Ordenes que forman el Derecho Internacional, 125. For a discussion of the law, see any Texas history.

On March 23, 1824, Torrens had reported to his government that the Swiss consul at Washington had asked him if there would be any objection to receiving colonists from Switzerland; and he had replied that he thought they would be received since they were an industrious people and could not be enemies to liberal institutions. Torrens to Secretario, 23 de marzo de 1824, MS., Relaciones Exteriores. On July 10 the government at Mexico approved this act of Torrens and authorized him to assure the Swiss consul that *Catholics* from his country would find a favorable reception. Secretario to Torrens, 10 de julio de 1824, MS., Relaciones Exteriores.

[it] is obligatory upon both the United States and Mexico." Torrens's note of February 15 of the preceding year is cited as indicating the willingness of Mexico to accede to that treaty. But Clay continued: "Some difficulties may possibly hereafter arise between the two countries from the line thus agreed upon, against which it would be desirable now to guard, if practicable; and as the government of Mexico may be supposed not to have any disinclination to the fixation of a new line which would prevent those difficulties, the President wishes you to sound it on that subject; and to avail yourself of a favorable disposition, if you should find it, to effect that object. The line of the Sabine approaches our great western mart nearer than could be wished. Perhaps the Mexican government may not be unwilling to establish that of the Rio Brassos de Dios, or the Rio Colorado, or the Snow Mountains, or the Rio del Norte in lieu of it. By the agreed line, portions of both the Red River and branches of the Arkansas are thrown on the Mexican side, and the navigation of both of these rivers, as well as that of the Sabine, is made common to the respective inhabitants of the two countries. When the countries adjacent to those waters shall become thickly inhabited, collisions and misunderstandings may arise from the community thus established, in the use of their navigation, which it would be well now to prevent." As an additional motive to induce Mexico to consent to such an alteration Clay suggested that it would place the capital of Mexico nearer the

center of the Mexican territories, and, further, that the troublesome Comanche Indians would be left to the United States. These arguments, if ever presented, were probably about as convincing as it would be for a large land owner to say to a neighboring small farmer, "Your house is not in the middle of your fields. Give me forty acres next to my line and you will not have to go so far to work. Besides, this field contains an ugly patch of thistles which my superior industry and intelligence will enable me to cope with more successfully than you can." Clay showed that he was not prepared to insist on a change of the line or to urge the matter unduly by saying, in concluding his instructions with reference to the boundary: "But if you should find that the Mexican government is unwilling to alter the agreed line in the manner proposed and that it insists upon the execution of the third and fourth articles of the treaty before mentioned, you are authorized to agree to the recognition and establishment of the line as described in the third article, and to the demarcation of it forthwith, as is stipulated in the fourth."[16]

[16] Clay to Poinsett, March 26, 1825, MS., Department of State, Instructions, X, 225. Extracts are printed in House Executive Documents, 25 congress, 1 session, number 42, page 5; and in British and Foreign State Papers, XXVI, 829. For brief discussions of Poinsett's instructions concerning Texas, see Rives, United States and Mexico, 1821–1848, I, 166; Reeves, Diplomacy under Tyler and Polk, 61; Garrison, Texas, 170; Bancroft, North Mexican States and Texas, II, 88; McMaster, History of the People of the United States, V, 460; Von Holst, Constitutional and Political History of the United

Before Poinsett had opportunity to open negotiations respecting the boundary, in fact only two days after his formal reception by the President of Mexico, that official received an interesting sidelight on Poinsett's personal views with reference to the most desirable location of the boundary line. On June 3, 1825, a man named Azcarate who had been an official close to Iturbide wrote a letter to President Victoria saying that when Poinsett arrived at the coast of Mexico in 1822 he was received by General Santa Anna as an official envoy, and when he reached the capital he was supposed by all to have this character and was so presented to the emperor. After the presentation Poinsett had told the writer that he desired an interview to speak of an interesting matter. At the time appointed the writer met him, expecting the communication to be official. With a map before him Poinsett pointed out the line of 1819 but said he thought it was not a desirable one, and then traced a line which showed that he desired to absorb all Texas, New Mexico, and Upper California, and parts of Lower California, Sonora, Coahuila, and Nueva Leon. Repressing his anger Azcarate replied that by virtue of the treaty of Iguala [Cordoba?] the Mexican government would always respect the Onis treaty and would never cede a handbreadth of territory. An appointment was made to continue the interview the next day.

States, 1828–1846, 553; Falconer, Discovery of the Mississippi, 48; Kennedy, Texas, I, 370; Adams, "Texas Speech" in House of Representatives, 1838, 106.

In the meantime Azcarate saw Iturbide, explained the matter, and received authority to use his judgment in finding definitely the character of the proposals that Poinsett had to make. Before entering on the discussion at the second meeting Azcarate presented his credentials and asked for Poinsett's. The latter thereupon declared that he came in no public character but merely as a traveler, and was only expressing his own personal opinion. Although it was evident that the discussion could be only an academic one, nevertheless the interview was continued and Azcarate was able, he said, to perceive five purposes which Poinsett had in mind: namely, to get possession of rich mineral lands; to gain ports on both seas for controlling the commerce between them; to get control of the fur trade with the Indians; to get control of the fisheries in the Californias; and to monopolize the coasting trade on both seas. Azcarate concluded his observations by saying that in his conception the establishment of limits was to be the apple of discord between the United States and Mexico. His desire for the happiness of the fatherland was his motive, he told Victoria, for making this communication. He said it was possible that slight errors might have crept into this account of the interview, but it was substantially true and could be verified from a report in the office of foreign relations which he delivered to Iturbide at the time without preserving a copy.[17]

[17] Azcarate to Victoria, 3 de junio de 1825, MS., Relaciones Exteriores. Azcarate was appointed minister to England in 1822 by the imperial government, but did not go. See Boca-

On July 12, 1825, about six weeks after Poinsett's reception, occurred his first conference with Alaman, the Mexican minister for foreign relations, concerning the boundary. In it he had "suggested that, although the government of the United States held itself bound to carry into effect the treaty of limits concluded with the king of Spain the 22d of February, 1819, still it would appear more becoming the independent character of this government to lay aside that treaty altogether, and to endeavor to establish a boundary which would be more easily defined, and which might be mutually more advantageous. The secretary expressed himself much gratified by such a suggestion, and proposed that the two governments should forthwith appoint commissioners to make a reconnoissance of the country bordering on the line formerly settled with Spain, so as to obtain such information in regard to that portion of our respective territories as would enable us to act understandingly on the subject." Poinsett objected that such a commission would delay the negotiation at least two years since it would take nearly a year to arrange for the commission and another year to do its work and make a report. Alaman replied that his government would be very unwilling

negra, Memorias, I, 76. Poinsett tells of his presentation to Iturbide on November 3, 1822, but of course says nothing of this conversation with Azcarate. In his description of the emperor Poinsett shows his antipathy to monarchy in general and to the imperial system of Iturbide in particular. Poinsett, Notes on Mexico, 67–69.

to fix the limits on the very slender information which it then possessed.[18]

On the matter of the difference of opinion as to the proposed commission to examine the country near the border an exchange of formal notes occurred a few days later in which each gave at length his reasons for the position he had taken. Poinsett referred the matter to his government.[19] As Poinsett anticipated, the government at Washington refused to accede to the proposal for a joint commission since such was considered unnecessary and would be reversing the usual procedure, which was to decide on the principle and then send the joint commission to mark the line in accordance with the agreement. If examination were needful before deciding on the line it would be better for each government to send a separate commission. The United States had no objection to Mexico's doing so if that government desired; but hoped no unnecessary time would be lost in resuming the negotiation.[20]

[18] Poinsett to Clay, July 18, 1825, MS., Department of State, Despatches from Mexico, I; extracts in House Executive Documents, 25 congress, 1 session, number 42, page 19; and British and Foreign State Papers, XXVI, 831.

[19] Alaman to Poinsett, July 20, 1825, and Poinsett to Alaman, July 27, 1825, MS., Department of State, Despatches from Mexico, I; House Executive Documents, 25 congress, 1 session, number 42, page 20; British and Foreign State Papers, XXVI, 831.

[20] Clay to Poinsett, September 24, 1825, MS., Department of State, Instructions, X, 835; extracts in American State Papers, Foreign, VI, 581; House Executive Documents, 25 congress, 1 session, number 42, page 7; and British and Foreign State Papers, XXVI, 836.

In reporting to Clay on July 27 what had passed between himself and Alaman on the subject, Poinsett said: "I find that there exists great apprehension in the minds of the people of this country that the government of the United States contemplate renewing their claim to the territory north of the Rio Bravo del Norte; and it may be of some importance to consider their great sensibility on this subject." He added in cipher: "It appears to me that it will be important to gain time if we wish to extend our territory beyond the boundary agreed upon by the treaty of 1819. Most of the good land from the Colorado to the Sabine has been granted by the State of Texas and is rapidly peopling with either grantees or squatters from the United States, a population they will find difficult to govern, and perhaps after a short period they may not be so averse to part with that portion of their territory as they are at present."[21] A little more than a week after sending this first report on limits Poinsett again wrote in cipher: "I feel very anxious about the boundary line between the two nations. While it will be politic not to justify their jealous fears on that subject by extravagant pretensions, I think it of the [greatest] importance that we should extend our territory toward the Rio del Norte either to the Colorado

[21] Poinsett to Clay, July 27, 1825, MS., Department of State, Despatches from Mexico, I; extract not including the cipher portion in House Executive Documents, 25 congress, 1 session, number 42, page 20; and British and Foreign State Papers, XXVI, 833. The cipher portion is quoted in Reeves, Diplomacy under Tyler and Polk, 62; and in Rives, United States and Mexico, 1821–1848, I, 168.

or at least to the Brazos. We ought to have on the frontier a hardy race of white settlers, which the climate of that region of country situated between the Mississippi and the Sabine will not admit of."[22] Five days later another despatch to Clay, mostly in cipher, told of Alaman's declaring, in what was supposed to be a secret session of the Congress, that the United States ought to be regarded as enemies rather than as friends, because: "Mexico had everything to fear from our ambitions and nothing to hope from our friendship. He cited the treaty of limits with Spain as an instance of our disposition to encroach upon her territory. There are a few members of both houses disposed to view the treaty of 1819 in the same light, and it is possible if the question be left open and the discussion renewed this government may revive the absurd pretensions of Cevallos with regard to the western boundary of Louisiana. I am thus particular because I think it advisable that the President should be possessed of every circumstance that can aid him to come to a correct decision upon this subject."[23]

Poinsett's suspicions that the Mexican officials were going to try to push the line further east instead of permitting the United States to push it west proved to be well founded. It is interesting to notice that

[22] Poinsett to Clay, August 5, 1825, MS., Department of State, Despatches from Mexico, I. See Reeves, Diplomacy under Tyler and Polk, 63.

[23] Poinsett to Clay, August 10, 1825, MS., Department of State, Despatches from Mexico, I.

this determination on the part of Mexican officials to recover territory which Spain had ceded to the United States manifested itself almost immediately after receiving from the governor of Chihuahua the long, interesting, and enthusiastic report on the extent, the fertility, and the importance of the country drained by the Missouri and Arkansas rivers, reviewed above in the chapter on Diplomacy Concerning the Santa Fé Trail.

In an interview respecting the boundary on September 20, 1825, Alaman asked Poinsett to trace on a map the boundary between the United States and Spain as defined by the treaty of 1795. Poinsett did so and then asked why the Mexican negotiator had wished it done. The latter replied that he thought it advisable to specify the ancient boundary in the commercial treaty they were about concluding and leave it so until the new line should be agreed on in the new treaty of limits to be concluded. Poinsett then declared to Alaman that before 1819 the United States had claimed to the Rio Bravo del Norte and Spain had claimed to the Mississippi. He also asserted that the treaty of that year with Spain was binding on the Mexican States, having been concluded before their emancipation from Spain and since acknowledged by their accredited agent in the United States. It was only motives of delicacy toward Mexico that had prevented the United States from carrying that treaty into full effect. It was the same motive that had caused him to propose the conclusion of an entirely

new treaty. But he would not yield one square inch of land which had been included within the limits of the United States according to that treaty. In his opinion a more advantageous line might be drawn; but such was not to be sought for east of the Sabine or north of the Red river or the Arkansas. Finally Poinsett asserted that he would not consent to the insertion of any such article in the commercial treaty without at the same time renewing in it the claim of the United States to all of the country north and east of the Rio Bravo del Norte.[24]

In October, 1825, the radical change occurred in the Mexican ministry which displaced partisans of the centralist faction and replaced them with federalists favorable to the interests of the United States. It was thought that Poinsett had been largely instrumental in bringing about the change and it was suspected that he was using his influence to secure a treaty of limits through his friends which would extend the borders of his country at the expense of Mexico. But if he was trying to do so, as he probably was not, he was unsuccessful. One of the new ministry writing to another on November 7, 1825, reminded him of the "memorable words of the laws of the Indies, which say, 'We promise and give our honor and royal word

[24] Poinsett to Clay, September 20, 1825, MS., Department of State, Despatches from Mexico, I; House Executive Documents, 25 congress, 1 session, number 42, page 23; British and Foreign State Papers, XXVI, 835.

It was on August 5 that the government received the report from the governor of Chihuahua. See footnote 16 of the chapter on Diplomacy Concerning the Santa Fé Trail.

for us and our successors, that never shall be alienated or separated in whole or in part, either its cities (of America) or inhabitants, for any cause or reason, or in favor of any person whatever. And if we or our successors should make any donation or alienation contrary to the aforesaid, it is null and such we declare it.'" According to this the whole Florida treaty was null. But in this minister's conception there was another reason why Mexico was at liberty to ignore the Florida treaty if desirous of doing so. He declared that the treaty, though approved by the Spanish cortes, did not have the "consent of the Mexican delegation, which refused to sign it."[25]

Thus within a few months after the negotiations had begun each government discovered that the other, while claiming to be willing to ratify and abide by the treaty of 1819, was really wishing to secure the extreme limits claimed by the United States on the one side and by Spain on the other before that treaty was concluded. Each had also discovered that the other was determined not to give up anything which that treaty secured to it. But each hoped something would happen to break down the determination of the other. Having thus found it impossible to come to any understanding for the time regarding the matter of limits, little of importance passed between the negotiators on the subject for more than a year.

In the meantime the influence was working which

[25] Esteva to Llave, November 7, 1825, enclosure with Poinsett to Clay, January 4, 1826, MS., Department of State, Despatches from Mexico, I.

Poinsett had said would probably in time make Mexico less unwilling to part with Texas. The settlement of the territory was progressing rapidly. Obregon in Washington reported to his government that these settlements were Mexican only in name, belonging in customs and inclinations almost wholly to the United States.[26] Indians in Texas were becoming more and more troublesome as they saw their lands being so rapidly taken away from them. The minister for war notified the minister for foreign relations that officials near the border complained of the sale of arms and ammunition to the Indians by citizens of the United States.[27] On June 16, 1826, Camacho, the secretary for foreign relations, called the matter to Poinsett's attention,[28] and on June 20, Poinsett reported the complaint to Clay.[29] Steps were taken to locate a Mexican consul at Natchitoches in Louisiana to prevent the importation of arms by that route and

[26] Obregon to Secretario, 12 de noviembre de 1825, MS., Relaciones Exteriores.

[27] Pedraza to Secretario, 10 de febrero, 24 de febrero, and 9 de junio de 1826; and Blanco to Secretario, 7 de agosto de 1826; MS., Relaciones Exteriores.

[28] Camacho to Poinsett, 20 de junio de 1826, MS., Relaciones Exteriores; and MS., Department of State, Despatches from Mexico, II.

[29] Poinsett to Camacho, June 20, 1826, MS., Relaciones Exteriores; Poinsett to Clay, June 20, 1826, MS., Department of State, Despatches from Mexico, II. The last declares that hostile tribes in Mexico were in the habit of capturing defenceless Mexicans and carrying them across the border where United States citizens ransomed them and held them till their friends in Mexico redeemed them. This it was said encouraged Indian warfare.

to enforce the regulations restricting the admission of colonists.[30] In March Poinsett protested against certain grants of land which he heard had been made near the border in Texas, saying he would not consider any grant as valid which was made while negotiations were pending in case such grants should lie in territory ultimately included in the United States.[31] When in June, 1826, the negotiations for the commercial treaty were nearing conclusion the Mexican plenipotentiaries proposed an additional article declaring that the contracting parties would take into considera-

[30] Erasmo Seguin of Bexar was appointed to the post in January, 1826; but in May he asked to be relieved from serving because of his ill health, because of the unhealthfulness of the climate of Natchitoches, and because he could not take his numerous family with him. Credentials and detailed instructions for him accompanied his letter of appointment. Secretario to Seguin, 21 de enero de 1826, and Seguin to Secretario, 28 de marzo de 1826, MS., Relaciones Exteriores.

Bernardo Gutierrez, the commandant of Tamaulipas, wrote in March urging the appointment of a consul for Natchitoches and recommending a resident of the place named Juan Cortes whom he had seen there in 1812. Pedraza to Secretario, 7 de marzo de 1826, MS., Relaciones Exteriores.

[31] Poinsett to Clay, March 18, 1826, MS., Department of State, Despatches from Mexico, I; House Executive Documents, 25 congress, 1 session, number 42, page 24.

Poinsett told of the effort of John D. Hunter to obtain a grant of land for Indians who were anxious to move over the frontier from the United States into Texas. The "government refused to give them a large tract of land where they might remain in a body; but offered to settle them in different parts of the country." Poinsett thought it would not be politic for the United States to permit Indians thus to move in bodies across the border. Poinsett to Clay, April 30, 1826, MS., Department of State, Despatches from Mexico, I.

tion as soon as possible the negotiation of a treaty of limits, and in the meantime would facilitate in any way needed the work of the commissions sent by either power to examine the country near the proposed boundary; and declaring also that unauthorized acts or settlements by the citizens of one country in territory that should fall to the other should not constitute valid claims.[32] In accepting the article Poinsett declared it was totally unnecessary because the United States considered the treaty of 1819 with Spain binding and was ready to execute it. "The undersigned was instructed, however, by his government to accede to the wishes of Mexico, if it desired to fix a new line, which might obviate some difficulties which are supposed to attend the existence of the present limits as agreed upon by the treaty aforesaid. But he was especially instructed not to insist upon changing this line contrary to the wishes of the Mexican government, but to agree to carry all the provisions of the treaty of Washington concluded between the United States of America and Spain into full effect, so far forth as relates to the boundaries of the two countries, if required to do so by the Mexican government."[33]

At the end of the year 1826 an event occurred in

[32] Camacho and Esteva to Poinsett, June 19, 1826, American State Papers, Foreign, VI, 599; Mexico, Tratados y Convenciones, II, 125.

[33] Poinsett to Plenipotentiaries, June 26, 1826, American State Papers, Foreign, VI, 599; Mexico, Tratados y Convenciones, II, 126. For the additional article see the last, 144.

Texas which partially fulfilled Poinsett's prophecy made a year and a half earlier. This was the well known Fredonian revolt. It was led by Hayden Edwards who had received from the Mexican authorities a large empresario grant in the neighborhood of Nacogdoches, which grant had subsequently been revoked because he had been unsuccessful in his indiscreet though well meant efforts to overcome difficulties that were all but insuperable. Blinded with anger and a desire for revenge and fatuously hoping the people of the other Anglo-American colonies would come to his assistance, he and a few associates formed a treaty with the Cherokee Indians, issued a declaration of independence, raised a red-and-white flag symbolizing a union between the red and the white men, and drew a line dividing Texas between the two races. Austin issued a violent denunciation of the revolt; and members of his and other colonies joined the Mexican authorities to put it down. The Fredonians unsupported and discouraged disbanded with scarcely an attempt at resistance.[34]

[34] Most writers on Texas history have discussed the questions whether Edwards was justified in starting the revolt and whether Austin was justified in opposing it. G. M. Bryan, in Comprehensive History of Texas, I, 506–534, gives a full and careful account, quoting a large number of documents from the Austin papers. He explains without unduly condemning Edwards's actions, and fully justifies Austin's. Yoakum, in the same volume, 114–121, justifies Edwards and mildly accuses Austin. Brown, Texas, I, 131–140, is more sympathetic with the Fredonians than Bryan but not so enthusiastic as Yoakum. He says: "Austin was justified in his course but not in his denunciations." Foote, Texas and the Texans, I, 213–292,

This independence movement, athough in itself the merest fiasco, is of very great importance as marking a turning point in the relations between the two countries. It created a great sensation in both and furnished the occasion for numerous diplomatic communications. Obregon in reporting the revolt to his government said the Americans established in Texas never ceased disturbing the tranquility of Mexico. They considered themselves a colony of their fatherland, and expected to reunite themselves to it as soon as they could. They took their slaves where the laws did not permit slavery, and in order to save their property they broke away from Mexico. In view of the character of the people on the frontier he believed that the only way to maintain peace there was

gives a long sympathetic account of the revolt, quoting many letters and enthusiastically praising B. W. Edwards, who was his personal friend. He explains without condemning Austin's attitude. Bancroft, North Mexican States and Texas, II, 98–110, gives an impartial account, explaining without severely condemning either. Garrison, Texas, 165, says that Edwards would have found it difficult to avoid trouble "even if he had shown the utmost prudence; but his want of caution, not to say his improprieties, lay on him heavy responsibility for the result. . . . The whole affair was so confused that one grows weary of seeking to locate the blame." Barker, in the Texas Historical Quarterly, XIII, 259, says: "Austin's part was an important one. He gave Edwards sage advice which, if he had followed it, would have enabled him to avoid most of his trouble; and in the end took the only possible course to preserve the confidence of the government and the interests of the colonists." Miss Rather, in the same magazine, VIII, 112, explains the De Witt Colony's opposition to the Fredonians. A recent brief account of the Fredonian revolt is given by Miss Howren, in the same magazine, XVI, 382.

to allow no more American colonizers within the limits of Mexico, to fill the territory with vigorous and respectable Mexican people, and to establish a sufficient military force there to protect them. He was satisfied that the United States government had nothing to do with the affair; but compared this with similar revolts that had occurred earlier at Baton Rouge and in West Florida and had been preludes to the seizure of territories there.[35]

On February 16, 1827, Obregon had an interview with the secretary of state on the matter. Clay had said that the President was infinitely sorry and wished him to convey to the Mexican government the friendly sentiments of the United States. Three days later Clay addressed to Obregon a formal note declaring: "Information having reached this city of disturbances in the province of Texas, adjoining the territory of the United States, which appear to threaten the peace of the United Mexican States, I hasten by the direction of the President to express to you the very great regret which he feels on account of the existence of those disturbances. The frankness which has ever characterized the government of the United States in all its intercourse with foreign powers and the friendly feelings which it cherishes for the welfare of the Republic of the United Mexican States supersede altogether any necessity for the assurances which, nevertheless, I

[35] Obregon to Secretario, 8 de febrero, and 10 de febrero de 1827, MS., Relaciones Exteriores. With these letters and others of earlier and later dates Obregon enclosed newspaper clippings giving reports of the revolt.

take pleasure in giving that the Government of the United States has not given the smallest countenance or encouragement to those disturbances. The President has directed orders to be conveyed to that portion of the military force of the United States which is stationed on the Mexican frontier to give no aid or succor of any kind to those who have taken arms against or may oppose the authority of the Government of the United Mexican States; and he will see the restoration of tranquility with much satisfaction."[36]

On February 21, 1827, Poinsett wrote telling the effect produced in Mexico when news reached there of the Nacogdoches revolt. In the debate in the Mexican Congress members had not hesitated to express their opinion that the government of the United States "was privy to this movement, if indeed it had not encouraged it. The latter opinion is boldly avowed by the *Sol*, a paper extremely inimical to the interests of the United States." The Congress had appropriated five hundred thousand dollars to put down the insurrection.[37] About two weeks later Poinsett wrote that

[36] Obregon to Secretario, 17 de febrero, and 21 de febrero de 1827, the latter enclosing a copy of Clay to Obregon, February 19, 1827, quoted above, and also Obregon to Clay, 20 de febrero de 1827, politely acknowledging Clay's of the preceding day, MS., Relaciones Exteriores.

[37] Poinsett to Clay, February 21, 1827, MS., Department of State, Despatches from Mexico, II. Early in February the Mexican foreign office had told Poinsett of a raid by Anglo-Americans on Nacogdoches, which had occurred on November 22, 1826. After committing some depredations they had

the expedition against the insurgents in Texas had started for Vera Cruz whence it would sail for Matagorda, the rendezvous. It would consist of one thousand troops and would be joined by ten thousand others from the interior provinces. "A desire was manifested to evince on this occasion great promptness and energy, so as to prevent similar attempts being made elsewhere." In a conference which Poinsett had with President Victoria the latter had said he was satisfied that the government of the United States had not encouraged the revolt; but expressed a desire that the President of the United States should give some public manifestation of his disapprobation.[38] The troops intended for Texas were assembled in Vera Cruz, and although word came of the collapse of the revolt still they prepared to go to the Texas coast to guard against similar outbreaks. The large force of provincial troops were not to join them, however, as originally planned. But the expedition got no further than Vera Cruz. The state government endeav-

left, declaring that they would return on December 15. Poinsett replied that he had transmitted this complaint to his government and felt sure that the aggressors would be punished. On receiving the complaint Clay returned to Poinsett a copy of orders which he had sent to the military authorities on the border, and which he said he believed would put a stop to the offense and secure the punishment of the guilty. Espinosa to Poinsett, February 2, 1827; Poinsett to Espinosa, February 4, 1827; Poinsett to Clay, February 7, 1827; MS., Department of State, Despatches from Mexico, II; and Clay to Poinsett, March 24, 1827, MS., Department of State, Instructions, XI, 283.

[38] Poinsett to Clay, March 8, 1827, MS., Department of State, Despatches from Mexico, II.

ored to make use of them to resist the national authority; and in June the central authorities recalled them to Mexico city.[39]

Although Adams and Clay in the note of February 19, quoted above, distinctly disavowed for the government any connection or sympathy with the revolt in Texas, yet they appeared ready to take advantage of the event to see if it had produced the change in sentiment at Mexico which Poinsett had predicted. Clay wrote on March 15, 1827, that the numerous and extensive grants of land by the Mexican authorities "to citizens of the United States in the province of Texas authorize the belief that but little value is placed upon the possession of that province by that government. These grants seem to have been made without any sort of equivalent, judging according to our opinions of the value of land. They have been made to, and apparently in contemplation of being settled by, citizens from the United States. These emigrants will carry with them our principles of law, liberty, and religion; and however much it might be hoped that they might be disposed to amalgamate with the ancient inhabitants of Mexico, so far as political freedom is concerned, it would be almost too much to expect that all collisions would be avoided on other subjects. Already some of these collisions have manifested themselves, and others, in the progress of time, may be anticipated with confidence. These collisions may

[39] Poinsett to Clay, March 24, June 5, June 16, and June 20, 1827, MS., Department of State, Despatches from Mexico, II.

insensibly enlist the sympathies and feelings of the two republics and lead to misunderstandings.

"The fixation of a line of boundary of the United States on the side of Mexico, should be such as to secure, not merely certainty and apparent safety in the respective limits of the two countries, but the consciousness of freedom from all danger of attack on either side, and the removal of all motives for such attack. That of the Sabine brings Mexico nearer our great commercial capital than is desirable; and although we now are, and for a long time may remain, perfectly satisfied with the justice and moderation of our neighbor, still it would be better for both parties that neither should feel that he is in any condition of exposure on the remote contingency of an alteration in existing friendly sentiments.

"Impressed with these views, the President has thought the present might be an auspicious period for urging a negotiation, at Mexico, to settle the boundary between the territories of the two republics. The success of the negotiation will probably be promoted by throwing into it other motives than those which strictly belong to the subject itself. If we could obtain such a boundary as we desire, the Government of the United States might be disposed to pay a reasonable pecuniary consideration. The boundary which we prefer is that which, beginning at the mouth of the Rio del Norte in the sea, shall ascend that river to the mouth of the Rio Puerco, thence ascending this river to its source, and from its source, by a line due

north, to strike the Arkansas, thence following the course of the southern bank of the Arkansas to its source, in latitude 42° north,[40] and thence by that parallel of latitude to the South sea. The boundary thus described would, according to the United States Tanner's map, published in the United States, leave Santa Fé within the limits of Mexico and the whole of Red River or Rio Roxo and the Arkansas, as far up as it is probably navigable, within the limits assigned to the United States. If that boundary be unattainable, we would, as the next most desirable, agree to that of the Colorado, beginning at its mouth, in the bay of Bernardo, and ascending the river to its source, and thence by a line due north to the Arkansas, and thence, as above traced, to the South sea. This latter boundary would probably also give us the whole of the Red River, would throw us somewhat farther from Santa Fé, but it would strike the Arkansas possibly at a navigable point. To obtain the first-described boundary, the President authorizes you to offer to the Government of Mexico a sum not exceeding one million of dollars. If you find it impracticable to procure that line, you are then authorized to offer, for the above line of the Colorado, the sum of five hundred thousand dollars. If either of

[40] This error, which was commonly made, was due to looseness of statement rather than to ignorance. The treaty of 1819 used this language, but added "if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall be run from the said source due south or north as the case may be, till it meets the said parallel, etc."

the above offers should be accepted, you may stipulate for the payment of the sum of money, as you may happen to agree, within any period not less than three months after the exchange at the city of Washington of the ratification of the treaty." Then follow instructions for stipulating, in case of success, that there should be common navigation of and common jurisdiction over the boundary river; that bona fide land grants should be confirmed; that the inhabitants should be given full rights as United States citizens; and that the delivery of the territory should be simultaneous with the payment of the consideration. A copy was enclosed of Clay's note to Obregon of February 19, "in order to put you in possession of what has occurred here, and to enable you to efface any impression, should such exist at Mexico, that the United States have given countenance to the insurrection."[41]

That Adams and Clay were in hearty accord in this attempt to purchase Texas cannot be doubted. On the day preceding that on which the instruction was sent the former entered in his diary that the latter "spoke of a draft he had some time since submitted of an instruction to Poinsett to propose to the Mexican Government the purchase of the province of Texas to the Rio del Norte or the Colorado. I asked him to let me

[41] Clay to Poinsett, March 15, 1827, MS., Department of State, Instructions, XI, 270; Extract in House Executive Documents, 25 congress, 1 session, number 42, page 8; and British and Foreign State Papers, XXVI, 837. See Rives, United States and Mexico, 1821–1848, I, 169, for a brief allusion to this attempt to purchase.

see the draft again." The next day he entered the statement that Clay "read his instruction to Poinsett to propose the purchase of Texas. I advised him to leave out the offer of ships of war, and offer only money."[42] In his long speech, or rather series of speeches, several years later on the Texas question and the right of petition Adams cited this instruction but did not dwell on the motive.[43] He declared that previous to this time he had uniformly favored acquiring Texas, saying: "I had myself, in the negotiation of our treaty with Spain, labored to get the Rio del Norte as our boundary, and I adhered to the demand till Mr. Monroe and all his cabinet directed me to forego it."[44]

[42] Adams, Memoirs, March 14 and 15, 1827, VII, 239, 240.

[43] Adams, "Texas Speech" in House of Representatives, 1838, 107. He said this offer was found to be highly disagreeable to Mexico, so was not pressed.

[44] Adams's speech of April 15, 1842, Niles, Register, LXII, 138. In this speech he argued that because he wanted Texas in 1825 and 1827 when slavery had been abolished there and could not have been restored had it been acquired then, was no reason why he should be criticised for opposing the acquisition of Texas later.

For brief studies of the attempt to purchase Texas in 1827, see Barker, "Jackson and the Texas Revolution," American Historical Review, XII, 788; Reeves, Diplomacy under Tyler and Polk, 63; Garrison, Westward Extension, 87; Bancroft, History of Mexico, V, 155; Von Holst, Constitutional and Political History of the United States, 1828–1846, 554; McMaster, History of the People of the United States, V, 460; Yoakum, in Comprehensive History of Texas, I, 135; Kennedy, Texas, I, 370; Jay, Review of the Mexican War, 13; Robinson, Mexico and her Military Chieftains, 144. Most of these say that Poinsett did not present the proposal to the

When Poinsett received Clay's proposal to buy Texas he wrote: "I fear the sum offered for the territory is too small. The expenses of the Government are so great that they don't regard so insignificant a sum as a million as of much use to them."[45] However, he cautiously approached the Mexican government on the subject a few days later. On May 19, 1827, he wrote the secretary for foreign relations suggesting that the fortunate settlement of the difficulties in Texas suggested the importance of settling as early as possible and in a permanent manner the boundaries between the two countries. He added that he had been instructed by his government to call attention to this fact and say that he was fully empowered to treat on the subject.[46] Some time later he again cautiously approached the Mexican authorities on the subject, this time definitely suggesting the idea of purchase, though not in an official manner. Early in the next year he wrote Clay: "I have taken great pains to ascertain what prospect of success there would be of the Congress ratifying the treaty if I could have prevailed upon the plenipotentiaries to alter the limits

Mexican government, citing Clay's "Raleigh Letter" of 1844, Niles, Register, LXVI, 152, which says that Poinsett "forebore even to make an overture for that purpose." No serious regular negotiation was undertaken; but Poinsett did sound the authorities on the subject. Adams, Memoirs, XI, 365, says the offer was rejected.

[45] Poinsett to Clay, May 10, 1827, MS., Department of State, Despatches from Mexico, III. See Reeves, Diplomacy under Tyler and Polk, 64.

[46] Poinsett to Secretary of State of Mexico, May 19, 1827, MS., Relaciones Exteriores.

in the manner suggested by you, and am convinced that the attempt would fail and only excite an unfriendly feeling. I have therefore abandoned it altogether. In a private conversation with one of the plenipotentiaries, I hinted at a remuneration in money to the Mexican government as an inducement to extend our boundary to the Rio del Norte; but he assured me it would be impossible to obtain either the consent of the government or of the Congress to such a measure, because it would be considered a dismemberment of the Mexican territory, which is prohibited by the constitution. If both governments should fix upon the Rio del Norte or any other point as the limits of the republics, the state of Texas would have no right to complain; but the general government could not sell any part of that state to us without violating the constitution and legitimate rights of Texas."[47]

Apart from these two very cautious attempts of Poinsett to open negotiations for carrying out Clay's instructions of March 15, 1827, for the purchase of Texas, nothing of importance on the subject of limits

[47] Poinsett to Clay, January 8, 1828, MS., Department of State, Despatches from Mexico, III. The above portion of this letter is omitted from the extract printed in House Executive Documents, 25 congress, 1 session, number 42, page 26; and British and Foreign State Papers, XXVI, 841.

It is interesting to notice that the Mexican negotiator based his argument for the unconstitutionality of the sale of Texas on the doctrine of state rights. If the matter could have been submitted to a vote of the people of the state the difficulty would probably have disappeared very quickly. In 1829 Van Buren suggested that this be done. See below.

passed between the two governments from that time until the beginning of the following year. In the meantime the Mexican commission to examine the country near the proposed boundary had completed its slow preparations and started to the scene of its labors. The two years which Poinsett had said would be necessary to complete the work, if a joint commission were sent as Alaman proposed, had more than passed before the Mexican commission started from the city of Mexico. In July, 1826, Poinsett wrote that a commission had been appointed and that General Mier y Teran had been placed at its head. That gentleman had told Poinsett that he expected to start in September of the same year; but the latter supposed his departure would not take place before October.[48] It did not. Neither did it occur for more than a year later than that. On September 6, 1827, the Mexican Congress appropriated fifteen thousand dollars to defray the expenses of the commission.[49] A month later Poinsett wrote Clay that the commission had still not departed because the money was not in the treasury, and he was still trying to convince the government of the uselessness of the mission till the treaty had settled the boundary.[50] But still they persisted; and

[48] Poinsett to Clay, July 12, 1826, MS., Department of State, Despatches from Mexico, II; House Executive Documents, 25 congress, 1 session, number 42, page 24; British and Foreign State Papers, XXVI, 837.

[49] Mexico, Leyes, Decretos, y Ordenes que forman el Derecho Internacional, 139.

[50] Poinsett to Clay, October 6, 1827, MS., Department of State, Despatches from Mexico, III; House Executive Docu-

the money was soon forthcoming. On November 10, 1827, the commission started from the city of Mexico. Almost four months later it arrived at Bexar, March 1, 1828, and was ready to begin its work.[51]

At about this time there came into the Mexican foreign office two extensive reports tracing the history of the Louisiana-Texas boundary from a very early period, in an effort to get at a historical basis for fixing the boundary.[52] These seem to have strength-

ments, 25 congress, 1 session, number 42, page 25; British and Foreign State Papers, XXVI, 840.

[51] Berlandier y Chovel, Diario de Viage de la Comision de Límites, . . . bajo . . . Mier y Teran, 7 and 115. This seems to be a very much condensed and slightly changed translation of a manuscript in French by Berlandier filling seven octavo volumes on travels in Mexico and Texas between 1826 and 1834. This and a few other Berlandier manuscripts of interest in the history of Texas, continuing down as late as the Mexican War of 1846 to 1848, have recently been purchased by the Library of Congress at Washington. Berlandier was the naturalist of the expedition, and his notes are of value chiefly from the scientific, especially the geographical standpoint.

The passport for General Teran, which the Mexican government had requested, was delivered by Clay to Obregon on March 24, 1828, House Executive Documents, 25 congress, 1 session, number 42, page 42; British and Foreign State Papers, XXVI, 844.

[52] One of these is the "Informe de Padre P. M. J. Puellas acerca de los límites de Texas," dated Zacatecas, 28 de noviembre de 1827, a report concerning documents in archives in that city on the subject. The other is "Extractos de la memoria del Padre Pichardo, y de los informes del ministro y consul de España en los Estados Unidos acerca de límites de Texas é invasiones en su territorio." The transcript of these extracts covers fifty typewritten pages and reviews sev-

ened the already existing determination of the government not to yield Texas or any portion of its territory.

Although the Mexican negotiators had repeatedly insisted that it would be necessary to have the information which the Teran commission was to gather before the treaty of limits could be concluded, yet it had hardly departed before preparations were made to renew the negotiations immediately,[53] and had hardly gotten half way to the scene of its labors when a treaty was signed. When the commercial treaty which had been concluded July 10, 1826, was considered by the Mexican Chamber of Deputies early in the next year, that chamber passed a resolution declaring it would not consider that treaty further until an article should be inserted recognizing the validity of the treaty of 1819 between the United States and Spain so far as it had to do with the boundary.[54] On January 8, 1828, after Poinsett had been trying in vain to induce the Mexican government to renew the negotiation for a commercial treaty (to take the place of that mentioned above, which the legislative bodies of both governments had refused to ratify), he wrote

eral hundred pages of manuscripts, MS., Relaciones Exteriores.

[53] Translation of Speech of Victoria to Congress, December 24, 1827, MS., Department of State, Despatches from Mexico, III.

[54] Resolution of April 2, 1827, Mexico, Tratados y Convenciones, I, 113; Poinsett to Clay, January 8, 1828, MS., Department of State, Despatches from Mexico, III; extracts in House Executive Documents, 25 congress, 1 session, number 42, page 26; British and Foreign State Papers, XXVI, 841.

Clay that the Mexican negotiators had insisted that Mexico was "invested with all the rights of Spain and bound by all the obligations of the mother country . . . and in short declared that if I did not consent to comply with the resolution of the Chamber of Deputies it would be useless to discuss the other articles of the treaty, as it was certain that Congress would not ratify any treaty which did not contain such a provision. I withdrew my opposition; but observed that, as the treaty of navigation and commerce was for a limited period and that of limits perpetual, it would be better to make them distinct conventions, to which proposition the Mexican plenipotentiaries consented." It was in this connection that Poinsett explained in cipher, as quoted above, his cautious hint to one of the negotiators that the United States was willing to purchase Texas. He concluded that cipher: "Believing, therefore, that any attempt to alter the former treaty of limits would prove ineffective and only excite unfriendly feelings, I shall accept the proposal of the Mexican plenipotentiaries and renew the treaty of Washington of 1819."[55]

The first conference in the negotiation of the boundary treaty had occurred on the day on which Poinsett wrote the above explanation of his reasons for aban-

[55] Poinsett to Clay, January 8, 1828, cited in note 54.

The Mexican negotiators, in explaining to the foreign office, said that they believed the United States would not have attempted to change the boundary unless they had expected to gain an advantage at the expense of Mexico. Camacho and Esteva to Espinosa, 12 de enero de 1828, Mexico, Tratados y Convenciones, I, 114.

doning Texas. After the Mexican negotiators had explained their position Poinsett "replied that, although the limits as settled by the treaty of Washington were liable to some objections and might be altered advantageously for both parties as he had before frequently explained, still if the Government of Mexico insisted upon the execution of articles three and four of that treaty he could not object to it. . . . Any alteration of the treaty of Washington must depend upon the mutual consent of the present contracting parties."[56] In the second conference, which occurred on January 10, the negotiators agreed upon the preamble declaring the purpose of the treaty and the first article, saying, "The two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty."[57] The second article of this treaty is in the exact words of the third article of the treaty of 1819; and the third article of this is the same as the fourth of that. The fourth and last article of this treaty says "the ratifications shall be exchanged at Washington within the term of four

[56] Protocol of first conference, January 8, 1828, House Executive Documents, 25 congress, 1 session, number 42, page 27; British and Foreign State Papers, XXVI, 841; Mexico, Tratados y Convenciones, I, 109. It was also enclosed with Poinsett to Clay, February 7, 1828, MS., Department of State, Despatches from Mexico, III.

[57] Protocol of second conference, January 10, 1828, House Executive Documents, 25 congress, 1 session, number 42, page 28; British and Foreign State Papers, XXVI, 843; Mexico, Tratados y Convenciones, I, 110, 112.

months, or sooner, if possible." On January 12, it was signed.[58]

Thus after a deadlock of more than two years over the question of limits the treaty was negotiated and signed all within four days. But they who marry in haste repent at leisure. The four months designated within which ratifications should be exchanged afforded ample time in case action should be prompt; but it did not allow for much unnecessary delay, since it required approximately two months for a messenger to pass from Mexico to Washington. The conclusion of the boundary treaty had removed the obstacle to the negotiation of the treaty of amity, commerce, and navigation, which was signed almost exactly a month later. Since the two were complementary the former was held till the latter was ready. That the government at Washington might have time to consider the treaty of limits and be ready to ratify it within the time allowed, Poinsett forwarded a copy of it on February 7, when he foresaw that the commercial treaty would soon be concluded.[59] On February 22 his messenger set out from the city of Mexico bearing the official, signed copies of both treaties, that of limits of

[58] For the treaty, see American State Papers, Foreign, VI, 946; Mexico, Tratados y Convenciones, I, 115, 117. For a brief account of the negotiation, see Rives, United States and Mexico, 1821–1848, I, 170–171.

[59] Poinsett to Clay, February 7, 1828, MS., Department of State, Despatches from Mexico, III; extracts in House Executive Documents, 25 congress, 1 session, number 42, page 26; and same congress, 2 session, number 351, page 189; British and Foreign State Papers, XXVI, 843.

January 12, and that of amity and commerce of February 14, 1828.[60]

In Poinsett's letter of February 7, cited above, he gave some reasons for his abandoning Texas in addition to those explained in his letter of a month earlier. He said: "This government and people have been kept purposely in a continual state of excitement upon this very delicate question. We have been represented by the agents of certain European powers as the natural enemies of Mexico; and our desire to make alterations in the treaty of limits concluded with Spain and to deprive them of a portion of their territory was constantly urged in proof of our bad faith and insatiable ambition. It became necessary, therefore, for me to use very cautious language upon this subject, and in all my conversations and notes in relation to the question of limits to endeavor, if any change were made, that it should be at the suggestion of this government, so that the honorable dealing of the United States in this respect might at all times be manifest."[61]

The Adams administration were apparently fully convinced by these two letters of Poinsett that it was useless to attempt longer to obtain Texas. Neither was there any considerable opposition in the Senate. Action was as prompt as could be desired. On April

[60] Poinsett to Clay, February 22, 1828, MS., Department of State, Despatches from Mexico, III; American State Papers, Foreign, VI, 948; House Executive Documents, 25 congress, 2 session, number 351, page 190.

[61] Poinsett to Clay, February 7, 1828, as cited in note 59. This very interesting portion of this letter is not printed in any of the three extracts cited in that note.

21 Clay wrote Poinsett that the latter's messenger had arrived with the treaties and that they would be immediately laid before the Senate for their advice and consent.[62] On the same day the treaty of limits was transmitted to the Senate by President Adams,[63] and referred by that body to its committee on foreign relations.[64] One week later that committee reported it back without amendment; the committee of the whole considered it at once also without amending and reported it to the Senate; and that body immediately proceeded by unanimous consent to consider the resolution to advise and consent to its ratification, and approved the resolution, thirty-eight yeas to three nays.[65] Two days later, April 30, 1828, Clay wrote Obregon, the Mexican minister in Washington, "I am ready to proceed in the exchange of the ratifications of the treaty at any time that may suit your convenience within the period prescribed," reminding him that only a few days remained.[66] On May 1 Obregon acknowledged Clay's note of the day before, expressing his regret that he did not have it in his power to effect the exchange immediately, and explaining that he had not yet received

[62] Clay to Poinsett, April 21, 1828, MS., Department of State, Instructions, XII, 98; House Executive Documents, 25 congress, 2 session, number 351, page 17.

[63] American State Papers, Foreign, VI, 946.

[64] Senate Executive Journal, III, 604.

[65] Senate Executive Journal, 605. Those opposing were Benton, Ellis, and Smith of South Carolina.

[66] Clay to Obregon, April 30, 1828, House Executive Documents, 25 congress, 1 session, number 42, page 46; British and Foreign State Papers, XXVI, 846.

the ratification by his own government.[67] There remained eleven days before the time set for exchanging the ratifications would expire.

In Mexico, on the other hand, action on the treaty was very different. Poinsett reported on April 24 that its progress had been delayed by the extreme indolence of the man who had been secretary of state. He had kept the treaty for more than two months without presenting it to the Congress although Poinsett had warned him repeatedly of the prejudice to Mexican interests caused by the delay.[68] It had to be acted on by the both houses of the Mexican Congress. The lower house had ratified it before Poinsett wrote this letter of April 24,[69] and two days later he wrote that the Senate had ratified it. The action of the Congress, he said, was prompt enough but it was impossible to get it to Washington in time to exchange the ratifications before the four months' time limit should expire.[70]

[67] Obregon to Clay, May 1, 1828, House Executive Documents, 25 congress, 1 session, number 42, page 46; British and Foreign State Papers, XXVI, 846.

[68] Espinosa, who had been secretary of state for foreign relations for nearly two years, was succeeded by Cañedo on March 8, 1828. See Bocanegra, Memorias, I, 557. This was not quite two months after the treaty had been signed. Had the new secretary and both houses of Congress acted as promptly as did the authorities at Washington there still would have been time.

[69] Poinsett to Clay, April 24, 1828, MS., Department of State, Despatches from Mexico, IV; House Executive Documents, 25 congress, 1 session, number 42, page 28; British and Foreign State Papers, XXVI, 845.

[70] Poinsett to Clay, April 26, 1828, MS., Department of State, Despatches from Mexico, IV; House Executive Documents,

In spite of this the Mexican ratifications were transmitted to Obregon with instructions to effect the exchange, and that minister notified Clay on August 2, 1828, that he had just received them and was ready to effect the exchange when convenient to the United States government; but he was informed that since the time limit had expired the treaty would have to be laid before the Senate again at the next session to get its approval before the exchange could be effected.[71]

Although Poinsett's advances had been very guarded and he had not really made any offer to purchase Texas, yet the fact that the United States wished and was endeavoring to do so became known, since, as Poinsett said, there were no secrets in Mexico. Greatly exaggerated reports concerning the matter reached European courts. In the middle of the year 1828, Rocafuerte, the Mexican representative in London, wrote his government that a rumor was current in diplomatic circles there to the effect that Mexico had already ceded Texas to the United States for the sum of thirty-five million pesos; and that this was the result of the scandalous intrigues of the minister

25 congress, 1 session, number 42, page 29; British and Foreign State Papers, XXVI, 845.

[71] Obregon to Clay, August 2, 1828, and Brent to Obregon, same date, House Executive Documents, 25 congress, 1 session, number 42, pages 47, 48; British and Foreign State Papers, XXVI, 846, 847. On May 10 Cañedo had informed Poinsett of the ratification by his government, House Executive Documents, 25 congress, 2 session, number 351, page 202. For a brief discussion of this treaty and its failure, see Rives, United States and Mexico, 1821–1848, I, 170.

of the United States at the Mexican capital. He said he could not believe it, but neither could he deny it.[72] As soon as Rocafuerte's letter reached Mexico his government instructed him to deny the rumor at once since it was utterly without foundation.[73]

In the latter part of this year 1828, a curious request for the cession of Texas reached the Mexican government from a very different source and for a very different purpose. It came from London but not from the British government. It is of small importance but of considerable interest. Robert Owen, the well known socialistic philanthropist, presented through Rocafuerte a request that the government of Mexico should cede to him the state of Coahuila and Texas as a place where he might work out his philanthropic plans for the benefit of all mankind. He proposed that it should be an entirely independent state, and that its independence should be guaranteed by Mexico, the United States and Great Britain. As the chief consideration other than the philanthropic ones which should induce Mexico to grant his request, he argued, "That it is a frontier province between the Mexican and North American republics which is now settling under such circumstances as are likely to create jealousies and irritations between citizens of these states and which most probably at some future period will terminate in a war between the two re-

[72] Rocafuerte to Secretario, Londres, 16 de julio de 1828, MS., Relaciones Exteriores.

[73] [Secretario to Rocafuerte], 22 de septiembre de 1828, MS., Relaciones Exteriores.

publics. This consideration alone, in the opinion of many experienced statesmen, would render it a wise measure in the Mexican republic to place this province under the new arrangements about to be proposed." In Rocafuerte's letter transmitting the memorial he said he had told Owen that there was not the slightest prospect of the government's granting the request, for, "although it is very beautiful, very plausible, and very philanthropic on paper it is unrealizable in practice."[74]

Numerous notes passed between Poinsett and the Mexican government concerning difficulties arising out of the operation of a law which had been passed in September, 1823, allowing goods intended for consumption in Texas to come in duty free for seven years. Poinsett presented complaints that officials were not allowing this privilege. Cañedo declared that an erroneous interpretation had been placed on the law, that there were many frauds practiced, and that to prevent these it had been ordered that all goods should pay the duty, but that afterwards reimbursements should be made for goods proved to have been used in Texas. The privilege was still abused and merchants of Monclova complained because they no longer had the benefit of it. Poinsett argued with the Mexican officials that the lax enforcement of the law by the Mexican authorities on the coast had encouraged merchants of the United States to engage in this trade and that they should not be made to suffer by the sudden

[74] Rocafuerte to Secretario, Londres, 15 de julio de 1828, and Owens's memorial accompanying, MS., Relaciones Exteriores.

withdrawal of the privilege. He attempted to have time allowed to notify shippers. But an order was issued in April, 1828, to treat as contrabandists all who attempted to land goods under the law. Poinsett informed Clay, April 23, 1828, that the Mexican government had decided to put a stop immediately to the free entry of goods for consumption by the inhabitants of Texas.[75]

In the absence of treaty stipulations for the purpose there was no regular means for the recovery by the United States of absconding debtors, runaway slaves, and escaped criminals who had taken refuge in Mexican territory. Clay wrote Poinsett in January, 1828, that information had come to Washington to the effect that impediments were placed in the way of recovering such, especially in Texas. A resolution of the House of Representatives had assumed the existence of such impediments and called on the President for

[75] Poinsett to Secretario, September 10, 1827, MS., Relaciones Exteriores. Cañedo to Poinsett, April 8, 1828; Poinsett to Cañedo, April 11, 1828; Cañedo to Poinsett, April 21, 1828; enclosures with Poinsett to Clay, July 15, 1828, MS., Department of State, Despatches from Mexico, IV. Poinsett to Clay, April 23, 1828, MS., Department of State, Despatches from Mexico, III. The last is printed in House Executive Documents, 25 congress, 2 session, number 351, page 201.

Bancroft, North Mexican States and Texas, II, 114, says the exemption expired in 1830. This is the time it should legally have expired had it not been withdrawn. He probably follows Filisola, Memorias, I, 163, which says, "al acabar aquel mismo año de 1830 debian terminar las escenciones y privilegios concedidos á los distritos de Tejas, Monclova, y Rio Grande, para la introduccion libre de derechos de todo lo que necesitasen para el uso de aquellos habitantes."

information regarding the matter. Obregon had declared that he knew of no such obstacles. Poinsett was instructed to make inquiries and in case he found that such existed he was to protest against them.[76] In April, 1828, Clay instructed Poinsett to ask the surrender of several persons named Hardin who were charged with having committed an atrocious murder in Tennessee and had fled to Texas. The treaties concluded and just received, he said, provided for such extradition, but since ratifications had not been exchanged it could not be demanded. On June 3 Poinsett presented the request. Expecting that there would be a long delay before the government decided what to do, he applied through a friend directly to the governor of the state of Coahuila and Texas asking that the men be secured until the government should decide. But only three days after the request was presented Cañedo replied to Poinsett that the President had directed the governor of Coahuila and Texas to arrest and surrender the murderers. Later that governor wrote Poinsett directly that he would do so.[77]

[76] Clay to Poinsett, January 12, 1828, MS., Department of State, Instructions, XII, 53; Clay to Adams, January 14, 1828, and Adams to House of Representatives, January 15, 1828, American State Papers, Foreign, VI, 822.

[77] Clay to Poinsett, April 21, 1828, MS., Department of State, Instructions, XII, 98; House Executive Documents, 25 congress, 2 session, number 351, page 17. On pages 18–32 are the documents containing the charges against the Hardins; Poinsett to Cañedo, June 3, 1828, Cañedo to Poinsett, June 7, 1828, Poinsett to Clay, July 12, 1828, MS., Department of State, Despatches from Mexico, IV; the last is printed in House Executive Documents, 25 congress, 2 session, number 351, page 214.

The Fredonian revolt that had collapsed so speedily early in 1827 was only the beginning of a series of disturbances in Texas during the following two years which called for the exchange of numerous diplomatic notes. In August, 1827, Obregon wrote his government of another attack which it was reported would soon be made on Nacogdoches by a band who had set out from New Orleans under the guise of a surveying party going to mark out a grant of land that had been made in Texas, but upon reaching the border had assumed a warlike aspect and were planning the descent on Nacogdoches with the assistance of the Cherokee Indians.[78] In October of the same year he wrote that there was talk of the United States taking control of the disorderly Mexican territory south of the Red river, to prevent the Indians residing there from making attacks on citizens of the United States north of that river. Obregon advised his government to take steps to prevent this.[79] In April, 1828, Cañedo complained to Poinsett that a party of fifteen men from the United States had made an irruption into Texas and at Nacogdoches had declared themselves the advance guard of a republican army consisting of several hundred which was going to march on Bexar or Guadalupe. Poinsett replied promptly

Poinsett to Clay, June 9, 1828, MS., United States Embassy Archives, Mexico. This last is missing in the files of the Department of State.

[78] Obregon to Secretario, 10 de agosto de 1827, MS., Relaciones Exteriores.

[79] Obregon to Secretario, 13 de octubre de 1827, MS., Relaciones Exteriores.

that he would submit the matter to his government and ask that measures be taken to prevent such movements.[80] Indians were causing trouble by attacking each other across the border. In July, 1828, Cañedo called Poinsett's attention to the fact that the Comanche Indians living in Mexican territory had asked permission to pursue and recover property that had been taken from them by Indians from the United States who had returned thither. The request was denied through respect for the territory of a friendly state.[81]

About the middle of the year 1828 reports reached the government in Mexico that Spanish refugees in New Orleans were planning to cooperate with the Spanish authorities in Cuba in an expedition to the Texas coast. Orders were at once despatched to the governor of Coahuila and Texas to remove all Spaniards from the coast as soon as the expedition should approach; and a secret agent was sent to New Orleans

[80] Cañedo to Poinsett, April 12, 1828, Poinsett to Cañedo, April 19, 1828, enclosures with Poinsett to Clay, July 14, 1828, MS., Department of State, Despatches from Mexico, IV. In Poinsett to Clay, April 23, 1828, MS., Department of State, Despatches from Mexico, III, and House Executive Documents, 25 congress, 2 session, number 351, page 201, mention is made of this raid; and also of the violation of Mexican sovereignty by a party of one hundred hunters near the northern limit of California. Poinsett explained that this was probably due to ignorance of the exact location of the line.

[81] Cañedo to Poinsett, July 15, 1828, enclosed with Poinsett to Clay, July 16, 1828, MS., Department of State, Despatches from Mexico, IV; House Executive Documents, 25 congress, 2 session, number 351, page 242.

to keep the government informed. That agent reported in September that there certainly had been talk of such a movement early in the year; but the schemers had neither sufficient men nor money. Their chief, José Lara, had gone to Cuba, expecting a reward for his zeal. In November the same secret agent reported a still more visionary movement. This was led by a Spanish officer who had been expelled from Mexico. He was trying to incite the poorest of his countrymen and some Mexicans of the same class to join him in a disorderly plundering raid. He assured them that they could collect a hundred and fifty or two hundred men, go to Texas and proclaim the Devil, if they wanted to, surprise some settlements, and get away with what they could carry.[82] These movements amounted to nothing and would not deserve serious notice in themselves; but the Mexican authorities were unduly alarmed at them and they had no little influence on the rising tide of hostility in Mexico for the United States which so deeply affected the diplomatic relations. Similar reports continued through 1828 and 1829, from agents both in New Orleans and in Texas, especially from General Teran who was near the border as head of the boundary commission. On July 29, 1829, Bocanegra, who was

[82] Pedraza to Secretario, 22 de julio de 1828, Secretario to Pedraza, 26 de julio de 1828, Secretario to Gobernador de Coahuila y Texas, 26 de julio de 1828, Gobernador de Coahuila y Texas to Secretario, 11 de agosto de 1828, Secretario de Relaciones to Secretario de Guerra, 27 de agosto de 1828, Martinez to Secretario, Nuevo Orleans, 23 de septiembre, and 17 de noviembre de 1828; all MS., Relaciones Exteriores.

then secretary of state for foreign affairs, wrote Poinsett that he was instructed by President Guerrero to communicate intelligence just received from New Orleans. It was to the effect that José Lara was enlisting men in New Orleans under a commission from the government of Havana, and that he had already sent to that government more than four hundred recruits. It was also reported that at several places along the border United States troops were being collected and drilled and supplies collected. He asked that these acts in violation of neutrality and in aid of the Spanish expedition against Mexico be prevented.[83] Two days after receiving this Poinsett made a spirited reply, declaring that the vigilant execution of the laws in the United States against foreign enlistment made incredible such things as Bocanegra said were going on in New Orleans. He ventured to suggest that Lara was doing no more than transport to Cuba Spaniards expelled from Mexico who were unable to support themselves and were willing to take advantage of the offer made by the captain general of Cuba of refuge and support in that island. He declared that he had no knowledge of such military preparations on the border as Bocanegra had mentioned except from statements published in libellous papers in Mexico by enemies of the liberties of America who were striving to disturb the friendly relations between the two republics. They had no foundation in fact. He said that if Spain attacked Mexico the United

[83] Bocanegra to Poinsett, July 29, 1829, MS., Department of State, Despatches from Mexico, IV.

States would remain neutral; but would be friendly and sympathetic with Mexico.[84] In reporting to Van Buren, the secretary of state in the new Jackson administration, this correspondence with Bocanegra, Poinsett said that the conduct of the Mexican government with reference to all foreign nations was ridiculous and ought only to excite our compassion. They regarded Mexico as the most favored nation on earth and thought all others were jealous of her, especially the United States. He said that General Teran had never ceased to arouse the fears of the government regarding the attitude of the United States toward Texas; and frequent insinuations by Europeans of American designs on Texas confirmed these fears. He had seen a letter of June 3 from Teran, "who has always been attached to the English interests. This person assures the government in his last despatches that we are making vast preparations to attack that country and have already fifteen thousand men on the frontier." Teran enlarged on the great size, fertility and natural resources of Texas, and the consequent reasons why Mexico should never yield possession.[85] Another note from Bocanegra on August 20 telling of more positive announcements of military preparations in the United States against Mexico elicited the next day pointed denials from Poinsett and renewed declarations of the friendly disposition of the United States

[84] Poinsett to Bocanegra, July 31, 1829, MS., Department of State, Despatches from Mexico, IV.

[85] Poinsett to Van Buren, August 2, 1829, MS., Department of State, Despatches from Mexico, IV.

for Mexico. He said he thought that the agents of the government gave too easy credence to false statements. In reporting this correspondence to Van Buren Poinsett said he had declared in a conference with Bocanegra on the subject that until the treaty of amity and commerce should be ratified military movements on the frontiers must be expected. The treaty contained a provision for restraining the Indians on the border. He had said that, if Mexico did not restrain her Indians from attacks on the United States side, the United States would pursue such tribes for punishment even to the gates of Mexico. In the beginning of this letter to Van Buren Poinsett explained that the Mexican Senate had addressed to Bocanegra an insolent demand for information regarding the reported activities of the United States, and Poinsett believed that body wanted to plunge the country into war with the United States hoping that such a war would overthrow the existing state of things in Mexico. He declared: "I will not therefore suffer myself to be provoked; nor will I personally yield to their attacks, altho' my residence in this country has become almost insupportable."[86]

It will be recalled that it was the second of August, 1828, when Obregon was told that the ratifications of

[86] Bocanegra to Poinsett, August 20, 1829, Poinsett to Bocanegra, August 21, 1829, Poinsett to Van Buren, August 22, 1829, MS., Department of State, Despatches from Mexico, IV; all of these except the important beginning of the last are in House Executive Documents, 25 congress, 2 session, number 351, pages 291–294.

the boundary treaty of January 12, 1828, could not be exchanged till that treaty should again be acted upon by the Senate of the United States at the next session, because the four months' time limit had expired.[87] This necessarily delayed the matter till the following winter. But action was not taken even then. In the middle of April of the following year Montoya, the Mexican chargé at Washington, brought the matter to the attention of the new Jackson administration by saying in a letter to Van Buren that he presumed the treaty had been presented to the Senate as had been said would be necessary, and by asking whether the secretary of state was now ready to proceed with the exchange of the ratifications, explaining that the Mexican government, desirous of effecting the exchange, had invested him with full powers for the purpose. Van Buren replied that he was not fully informed as to the reasons why the preceding administration had not again submitted the treaty of limits to the Senate; but supposed it was because Mexican action on the commercial treaty was expected and it was desired to have the Senate act on the two together, and this expectation had been disappointed. It would be necessary still to submit the treaty to the Senate to be acted upon again, and he promised that it should be submitted at the next session. In the meantime he hoped the Mexican ratifications of the commercial treaty would arrive so the two could be submitted to the Senate together.[88] Thus the exchange had again

[87] See above, this chapter.

[88] Montoya to Van Buren, April 16, 1829, and Van Buren

been delayed, this time for nearly a year. But before this year had expired the new administration had determined to try its hand at negotiating a new treaty of limits which should supersede the other and give Texas to the United States.

Early in March, 1829, in reviewing at length, for the information of the new administration, the whole of his diplomatic activities and difficulties in Mexico, Poinsett discussed very briefly the boundary negotiations.[89] Again in July he reviewed his negotiations for the treaties, tracing those for the treaty of limits to the conclusion of the pending treaty a year and a half earlier, and concluded by declaring: "I am still convinced that we never can expect to extend our boundary south of the river Sabine, without quarreling with these people, and driving them to court a more strict alliance with some European power."[90]

This renewed assertion of Poinsett's belief that it would never be possible to secure Texas peaceably did not reach the Department of State until nearly a month after the new administration had matured its project for the acquisition of Texas and despatched instruc-

to Montoya, April 22, 1829, House Executive Documents, 25 congress, 1 session, number 42, page 49; British and Foreign State Papers, XXVI, 848.

[89] Poinsett to Secretary of State, March 10, 1829, MS., Department of State, Despatches from Mexico, IV.

[90] Poinsett to Van Buren, July 22, 1829, MS., Department of State, Despatches from Mexico, IV; House Executive Documents, 25 congress, 1 session, number 42, page 29, prints a brief extract; and the rest is in the same, 2 congress, number 351, page 285. This was received at the Department of State on September 22.

tions for the purpose. It is doubtful whether it would have affected the situation even had it arrived before the instructions were sent. The plan seems to have developed slowly. Nearly six months of Jackson's term was gone before it took shape. The earliest documentary evidence of the growth of the plan which is preserved in the correspondence of Van Buren is a report of Anthony Butler. It is not dated but seems to have been presented about August 11, 1829, since a letter from Jackson of the following day says, "I am pleased with the document you sent me respecting Texas, and will be happy to see you and Col. Butler whenever it may suit your convenience." That this was not the origin of the project is evident from Butler's opening his report with the statement, "In negotiating for Texas a variety of considerations present themselves," and his reference later to the "anticipated negotiation." He discusses at considerable length the soil, climate, resources, and water ways of Texas and the value of the province to the United States. "The considerations which present themselves" he discusses under seven heads. In Van Buren's instructions he embodied nearly every suggestion which Butler here makes. In addition to his arguments Butler adds a gentle appeal to personal ambition by suggesting that the people of the south and west are so vitally interested in the matter "as to secure for that man who may accomplish the recovery of Texas their thanks, their confidence, and their gratitude," which, he adds,

is likely hereafter to amount to something more than complimentary toasts or newspaper eulogisms. Jackson's letter referred to above shows that they had been studying with some care Poinsett's explanations of the reasons why the offer to purchase Texas in 1827 had failed, for he says that the constitutional question can be solved; and that two million added to the one million offered will amend the Mexican constitution. Another document which seems to have had a marked influence in shaping the final instructions is an unsigned and undated "Project for the acquisition of [the] province of Texas" which sets forth the motive for the negotiation by saying, "To counteract the evils growing out of the surrender of that part of Louisiana west of the Sabine and east of the Rio del Norte or Grand river, it is proposed to open a negotiation for the retrocession of the same to the United States." It gives several suggestions as to how Poinsett might approach the Mexican government and says that the present threatened invasion of Mexico by Spain and the deranged condition of the finances "makes the time a very propitious one for the ascertainment of her views in regard to this territory as Mr. P. can give his enquiries the character of individual solicitude for her welfare and a desire to relieve her embarrassments rather than turn them to the advantage of his own country." On August 13 Jackson made a rough outline draft of the instructions to be given to Poinsett. With these various documents as a basis Van Buren prepared first a rough outline draft and

then the complete instructions which were dated August 25, 1829.[91]

[91] Butler to Secretary of State [August 11, 1829]; Jackson to Van Buren, August 12, 1829; "Project for [the] acquisition of the province of Texas" [August 13, 1829]; Jackson's draft of instructions to Poinsett, August 13, 1829; Van Buren's outline draft of instruction to Poinsett, which covers 16 manuscript pages; First Draft in several different hands with numerous corrections and containing practically everything in the final instructions, and covering 32 pages; Second Draft dated August 25, 1829, covering 37 pages; all in Van Buren MSS., Library of Congress, IX and X. The conjectural dates have been adopted from the Library of Congress Calendar of the Van Buren Papers, prepared by W. C. Ford and Elizabeth West, and printed in 1910. Jackson's draft of August 13 is printed in Reeves, Diplomacy under Tyler and Polk, 65, note. This writer cites the Jackson Papers as the place where the manuscript is found. This must be an error.

Most writers on Texas history discuss these instructions of August 25, 1829, and in connection with them mention the offer to purchase made by Clay on March 15, 1827, and his original instructions to Poinsett on March 26, 1825, to negotiate for a westward extension of the boundary. See Miss Howren, "Causes and Origin of the Decree of April 6, 1830," Southwestern Historical Quarterly, XVI, 383–387; Barker, "Jackson and the Texas Revolution," American Historical Review, XII, 789; McMaster, History of the People of the United States, V, 461 and 542–555, which dwells at great length on the efforts of the Jacksonian newspapers to facilitate the purchase; Kennedy, Texas, I, 372. The following five give very brief discussions: Bancroft, North Mexican States and Texas, II, 89; MacDonald, Jacksonian Democracy, 211; Yoakum, in Comprehensive History of Texas, I, 129; the remainder are strongly prejudiced: Von Holst, Constitutional and Political History of the United States, 1828–1846, 555; Jay, Review of the Mexican War, 15; Adams, "Texas Speech" in the House of Representatives, 1838, 114–121; Tornel, Tejas y los Estados Unidos, 3, 10; Filisola, Memorias, I, 158–162.

These instructions begin by saying: "It is the wish of the President that you should, without delay, open a negotiation with the Mexican government for the purchase of so much of the province of Texas as is hereinafter described, or for such a part thereof as they can be induced to cede to us." The President was convinced of the necessity of the proposed acquisition in order to guard the western frontier, protect New Orleans, and secure the undisturbed possession of the valley of the Mississippi river with all its tributaries. "The boundary at present assumed by Mexico is deemed objectionable" for various reasons which he sets forth. There was some uncertainty as to which of two streams emptying into Sabine Bay was the true Sabine river. Whichever it should be that river was navigable only by small vessels and never would sustain sufficient commerce to warrant the maintenance there of custom houses, without which it would be "impossible to prevent that frontier from becoming the seat of an extensive system of smuggling." The lands east of the Sabine were poor and occupied by persons of an objectionable character who would continue to create incessant difficulties and broils which would foster and influence the "spirit of jealousy to which our neighbors are already too much inclined." In enumerating the reasons which ought to induce Mexico to be willing to make the cession he begins by saying: "Nothing would be more adverse to the feelings of the President than to give that government reason to believe that he is

capable of taking advantage of their necessities to obtain from them any portion of the Mexican territory, the cession of which would impair the true interests or commit the honor of that country." He then argues: "The comparatively small value of the territory in question to Mexico; its remote and disconnected situation; the unsettled condition of her affairs; the depressed and languishing state of her finances; and the still, and at this moment particularly, threatening attitude of Spain all combine to point out and recommend to Mexico the policy of parting with a portion of her territory of very limited and contingent benefit to supply herself with the means of defending the residue with the better prospect of success and with less onerous burdens to her citizens. It is for the federal government of Mexico, if they approve of the policy of doing so, to judge of their constitutional power to make the cession. It is believed that no doubt could exist on that account if the consent of the state of Coahuila were obtained; and if the view we take of the true interests of the republic of Mexico are not founded in error, it is supposed that such consent would not be withheld." An argument, as to suggesting which Poinsett was to use his judgment, was that the internal disturbances and revolutions of Mexico rendered a dissolution of the republic possible; and it was generally conceded that in such event Texas would be the first to strike a blow for independence, the example of which would endanger the unity of the rest. The aggressive character of the

settlers on the United States side of the border; the settlement of adventurous persons in the prohibited zone on the Mexican side; and the lack of harmony between the non-Spanish settlers in Texas and the government were all causes of discord and heartburnings between the two governments that should be removed if possible. The Comanche Indians in Texas were very troublesome to the settlements and occasioned great expense to the Mexican government to maintain garrisons there. Other tribes were moving into the region and increasing the trouble.

The territory of which the cession was desired by the United States was described as all lying east of a line drawn through the center of the desert or Grand Prairie between the Nueces and the Rio Grande "north to the mountains dividing the waters of the Rio Grande del Norte from those that run eastward to the Gulf, and until it strikes our present boundary at the forty-second degree of north latitude." If Poinsett found that the Mexican government objected to this line because it contained the large Mexican settlements of San Antonio de Bexar and La Bahia, but still found that government disposed to part with any portion of the territory in question, then he was authorized to accept any of three other lines, regarding those farthest west as most desirable. The second should begin at the mouth of the La Vaca, ascend the left bank of that stream to its head, then due north to the Colorado, up the west bank of that river to its head, and "thence by the most direct course that will intersect our line

at the forty-second degree of north latitude and include the head waters of the Arkansas and Red rivers." The third line was to commence at the mouth of the Colorado and follow its west bank all the way and thence as described in the second. The fourth was to follow the west bank of the Brazos from its mouth to its source and thence to the forty-second degree as the two previous. Poinsett was authorized to make such alterations in these lines as should appear to him clearly beneficial. "The line proposed as the one most desirable to us would constitute a natural separation of the resources of the two nations. It is the center of a country uninhabitable on the Gulf; and on the mountains so difficult of access and so poor as to furnish no inducement for a land intercourse; and of course no theatre for those differences that are almost inseparable from a neighborhood of commercial interests. It corresponds with the habitual feelings of the people of Mexico and with the avowed policy of the Mexican government by causing a wide separation and difficulties of intercourse between the inhabitants of the two countries, and by preventing those excitements and bickerings invariably produced by the contiguous operation of conflicting laws, habits, and interests."

The price to be offered for Texas, Van Buren introduces by saying, "The President does not desire the proposed cession without rendering a just and fair equivalent for it. He therefore authorizes you to offer to the Mexican government for a cession accord-

ing to the first-mentioned boundary a sum not exceeding four millions of dollars; and so strong are his convictions of its great value to the United States that he will not object if you should find it indispensably necessary to go as high as five millions." For each of the other lines Poinsett was authorized to decide upon and offer what he considered a proportionate amount of the purchase price. It would be preferable to make the payments in three or four equal annual installments; but if necessary the whole sum could be paid within four months after the exchange of ratifications and delivery of the possession of the ceded territory. In case of success other details are provided for such as rights of navigation and jurisdiction, validity of land grants, and the extension of personal and political rights to the inhabitants of the ceded territory.[92]

Anthony Butler, the author of the report mentioned above as one of the principal bases of the instructions to purchase Texas, was selected by the administration to bear the letter to Poinsett. When in the middle of October of this year 1829 Poinsett was recalled at the request of the Mexican government, Butler, al-

[92] Van Buren to Poinsett, August 25, 1829, MS., Department of State, Secret Record, I, 39; House Executive Documents, 25 congress, 1 session, number 42, page 10; British and Foreign State Papers, XXVI, 850. This was not entered in the regular volume of Instructions; nor in the regular volume of the Archives of the United States Embassy in Mexico. Jackson's "full power" to Poinsett to negotiate concerning the matter bears the same date as the instruction. See also Van Buren MSS., Library of Congress, X.

ready on the ground, was appointed to represent the United States at Mexico, with the rank of chargé. On October 17 Jackson signed the letter investing Butler with full power to conduct the negotiation for Texas. The instructions of August 25, which he had borne to Poinsett, were to be his guide.[93]

Poinsett, convinced of the uselessness of attempting to acquire Texas, and feeling that his influence with the government was gone, appears to have refrained

[93] Butler's commission as bearer of the despatch is Van Buren to Butler, August 24, 1829, MS., Department of State, Secret Record, I, 52; his "full power" to negotiate is Jackson to Butler, October 17, 1829, on page 53 of the Secret Record. His instructions to negotiate are Van Buren to Butler, October 16, and the postscript to that letter dated October 17, 1829, House Executive Documents, 25 congress, 2 session, number 351, pages 40–53.

"Butler, an old comrade in arms of Jackson, . . . lacked moral character and fitness for any position of trust. No worse selection for a diplomatic position could have been made. . . . [He] was charged with being a speculator in Texas lands, a gambler, a drunkard, and a liar. But this last epithet came from Jackson himself some years afterwards, when his shortness of memory afforded him an easy escape from the entanglements of fact. It is safe to say that Butler's mission, discreditable and even disgraceful, had much to do with the unsatisfactory course of our diplomatic relations with Mexico which ended in war. When Butler appears for the first time upon the stage of diplomacy, he had recently been in Texas and professed to be familiar with the proposed river boundaries. Sent to Mexico as bearer of despatches to Poinsett, he went overland, again through Texas, and secretly. . . . From 1829 to 1836, during practically all of Jackson's term, Anthony Butler represented, or rather misrepresented, the United States in Mexico." Reeves, Diplomacy under Tyler and Polk, 68.

from even suggesting the new project. But the fact that the United States was ready to make a proposition for the purchase of Texas became public shortly after Poinsett's departure. On January 9, 1830, a paragraph appeared in the newspaper called *El Sol* declaring that, "A few days before the departure of Mr. Poinsett from this capital, the American Colonel Butler arrived here, commissioned, as it is said, by the government of Washington, to negotiate with ours for the cession of the province of Texas for the sum of five millions of dollars. As we are not informed that, so far, the colonel has made any overtures on the subject, we presume that he does the new administration the justice to suppose it incapable of lending itself to a transaction as prejudicial and degrading to the republic as it would be disgraceful to the minister who would subscribe to it." Butler was mystified at being so quickly found out. He wrote Van Buren the next day that the paragraph was "a very remarkable one. You perceive that they undertake not only to assert that the object of my mission is the purchase of Texas, but they also state a price to be paid for the cession! I have not time to say much on this matter at present, but I will endeavor to unravel the mystery hereafter."[94] In the weeks preceding and following this a multitude of violently anti-American newspaper articles and pamphlets issued from the Mexican press, voicing the suspicion gen-

[94] Butler to Van Buren, January 10, 1830, and enclosure, House Executive Documents, 25 congress, 2 session, number 351, page 310.

erally felt that the United States was attempting to dismember the Mexican republic. As evidence of the desire of the government and people of the United States for Mexican territory they unfortunately had the numerous articles which had been appearing in the administration newspapers in the United States dwelling on the value of Texas and the desirability of its acquisition.[95]

Finally the administration at Washington came to the conclusion that it was unwise, for the time being at least, to endeavor to make the purchase; and Van Buren wrote Butler April 1, 1830: "The unsettled state of affairs in Mexico, and the excitement growing out of it, to which reference has already been several times made in the course of this communication, have induced an apprehension on the part of the President that the present is not an auspicious moment for the successful opening of the negotiations which form the object of the instructions from this department of the 25th of August, 1829. To watch the state of the public mind, the opinions of the principal members of the government, and hear what is said on all sides, is all that is, for the present, expected from your agency in the matter. In doing this the greatest caution and circumspection is enjoined upon you; and the exercise of the most guarded discretion will be necessary on your part not to commit yourself or your government upon any point connected with the subject. You will, also, in informing this department of the

[95] See McMaster, History of the People of the United States, V, 543–547.

result of your observations and reflections, adopt every measure which prudence will suggest to insure the safety of your communications. If, however, an opportunity should present itself to carry into effect the wishes of your government, in this respect, you will not fail to embrace it upon the principles and according to the instructions already given to you."[96]

It is the purpose of this chapter to trace the relations between Mexico and the United States respecting Texas and the boundary only through the year 1829. The instruction of April 1 of the following year is introduced to show that the Jackson administration virtually withdrew the offer of the preceding August. In the hands of most diplomatic agents this instruction, taken together with the state of public opinion in Mexico, would have ended completely all effort to obtain the cession of Texas. But it was not so with Butler. He interpreted the last sentence quoted as leaving the matter entirely to his discretion. On receiving the letter he replied: "I am glad that you adopt the opinion that the present time is inauspicious for the commencement of the negotiation for Texas, and have placed under my discretion the period and the manner of opening that subject. That discretion shall be exercised with all proper caution, and my judgment taxed to the extent of its powers for securing success."[97] During the six years of his residence

[96] Van Buren to Butler, April 1, 1830, House Executive Documents, 25 congress, 2 session, number 351, page 62.

[97] Butler to Van Buren, May 21, 1830, House Executive Documents, 25 congress, 2 session, number 351, page 326.

he never abandoned the project, showing in his correspondence with the officials of the government in Washington an unblushing readiness to resort to bribery and trickery when he found that legitimate diplomatic effort would not accomplish his purpose.[98] To show the ultimate failure of all negotiations respecting the boundary up to this date, the subsequent fate of the treaty of limits pending at this time should be briefly traced. It will be recalled that it was concluded January 12, 1828, and that, owing to delay on the part of Mexico the exchange of ratifications was not effected within the stipulated time limit of four months. On April 5, 1831, an additional article was concluded renewing the treaty and extending the time for exchanging the ratifications one year from that date.[99] On April 5, 1832, the last day allowed, the ratifications were exchanged. This time the Mexican government acted nearly three months before the expiration of the time; but the United States delayed until the last day, the Mexican representative having declared two days earlier that his government had instructed him not to exchange the ratifications of the commercial treaty unless those of the treaty of limits could be exchanged at the same time, and the United States Senate having advised and consented to its ratification on the day preceding the exchange.[100] The

[98] See Barker, "Jackson and the Texas Revolution," American Historical Review, XII, 791–797.

[99] United States, Treaties and Conventions, 1776–1909, I, 1084.

[100] United States, Treaties and Conventions, 1776–1909, I,

one year provided in article three within which commissioners should meet to begin marking the line expired without Mexico's acting, though the United States had been prompt enough this time;[101] and on April 3, 1835, a second additional article was agreed to which provided that the commissioners should be appointed within one year from the exchange of the ratifications of this second additional article. But the ratifications of this article were not exchanged till April 20, 1836,[102] when Texas had wrested her independence from Mexico by force of arms. The commissioners never met.

With the attempts of the Mexican government in September, 1829, and April, 1830, to stop immigration into Texas from the United States, the relations between Texas and Mexico and the relations between Mexico and the United States respecting Texas enter a new phase. This has been, and is being, treated with sufficient fullness by students of the Texas Revolution, the Texas national period, and the annexation of Texas to the United States.

1084; and Montoya to Livingston, March 26, 1832, House Executive Documents, 25 congress, 1 session, number 42, page 51; and same to same, March 31, 1832, in the same document, page 53; also same to same, April 3, 1832, in the same document, page 57.

[101] Castillo to McLane, December 2, 1833, House Executive Documents, 25 congress, 1 session, number 42, page 60; same to same, same document, page 62; McLane to Butler, January 13, 1834, same document, page 16; and Butler to Lombardo, December 21, 1834, same document, page 38.

[102] Mexico, Tratados y Convenciones, I, 180.

CHAPTER X

Public Attacks on Poinsett and His Recall

Poinsett's part in the organization of the York Masons, the beginning of the political activity of those lodges, and the early attacks on him because of his relations with them have been considered in a previous chapter.[1] The Yorkino party, which had come into existence in the early part of 1826 and before the end of the year had grown so strong as to carry most of the state elections, continued to grow and retained its influence. The Escoceses, the Scottish Masons, unable to retain or regain influence and still attributing the growth and power of their opponents to the magic influence of Poinsett over the government and the Yorkinos, resorted first to innuendo and then to violence, in order to drive him from the country.

Zavala, who was a Yorkino, says that the newspapers which the opposing factions established declared with as much ignorance as impudence that so long as the Escoceses had control the government was tranquil and prosperous; but that as soon as the Yorkinos attempted to take part in the government disorder and anarchy prevailed. He says that this is the argument of the tyrant who has monopolized power and wishes to keep it from the people. Just so, he continues, the

[1] That on Poinsett's Relations with the York Masons.

king of Spain argued that, so long as the Spaniards were allowed to rule America and the natives did nothing but obey, all was quiet; but as soon as the natives began to assert their rights the struggle began and peace vanished.[2] The Yorkinos also published papers to advocate their cause. These became the objects of suspicion and attack from their opponents who declared that they were subsidized by Poinsett and were working for the interests of the United States as opposed to those of Mexico.[3]

[2] Zavala, Ensayo Historico, I, 354. In the preceding seven pages Zavala reviews the party strife. The tone of these newspaper criticisms of Poinsett and of the government supposed to be dominated by him is shown in the following extracts from Voz de la Patria, II, número 8, 15 de febrero de 1830: "No afligan menos la Pátria los males politicos que ya comenzaban á manifestarse, y cujo origen fontal se debe casi esclusivamente á la instalacion de los lógias de los Yorkinos en Mexico. . . . Poinsett, el regulador y árbitro de este establecimiento, de que se ha llamado Sumo Pontifice, mui luego procuró sacar todo el partido posible para llenar sus objetos principales; á saber destruir nuestra República, y engrandecer la del Norte América, por ser on [en] su concepto incompatible la existencia de ambas. . . . La mano artera de Poinsett movia a su placer los hilos de esta trama: este hombre insidioso de la humanidad, y cujo nombre hace temblar á las repúblicos de Chiloe y Buenos-Aires, de donde fué lanzado como una mala y dañina bestia."

[3] Aviraneta, a European Spaniard traveling in Mexico, was told in Vera Cruz "que el Mercurio es un periódico subencionado por Poinssete [sic] enviado de los Estados Unidos: es un periódico yorkino, para promover la espulsion de los comerciantes y propietarios Españoles del teritorio del república, y substituir la influencia del pueblo Yanki." See Aviraneta é Ibargoyen, Memorias Intimas, 1825–1829, in D. Luis Garcia Pimentel, Documentos Historicos de Mejico, III, 45.

On November 10, 1827, Poinsett reported to Clay an act which it is difficult to see how he could have defended from the charge of interfering in Mexican politics. As has been shown in preceding chapters Guerrero had been closely associated with what Poinsett frequently alluded to as the American or democratic party. He was also a member of the Yorkino lodges, an active spirit in their organization, and practically the head of the order. In October, 1826, Poinsett had predicted that Guerrero would be the Yorkino candidate for the next presidential election. He now proceeded to assist in making his prophecy come true.

Against the wish of his friends in the government Guerrero had declared that he was going to join the movement, at the time becoming popular, for expelling from Mexico all remaining European Spaniards. These friends appealed to Poinsett to persuade Guerrero to abandon his designs, and to await patiently the effect of his friends' efforts to have him elected next year as successor to Victoria. He had written the desired letter, Poinsett told Clay, and President Victoria had thanked him for writing it. Guerrero had replied in a tone of great intimacy, modestly declaring his unfitness for the high office which Poinsett had thus informed him his friends wished him to

On page 58 he says: "Los escritores del Mercurio son hombres vendidos al oro que desparama Poinsset [sic] á manos llenas, entre los incautios mejicanos." A brief outline account of the party strife is printed in Martinez, Sinopsis Historica de las Revoluciones, I, 58.

become a candidate for. Poinsett virtually admitted that this was interference by telling Clay he wished President Adams to understand that he had never taken any step toward interfering in the affairs of Mexico "without the knowledge and consent and generally at the solicitation of the government."[4] If the government had been as subservient to Poinsett as his critics supposed it to be, he would have had no difficulty in obtaining their consent. It was the suspicion that he and the government were in accord that occasioned their most serious criticism. But from the tone of Poinsett's letter to Clay it is evident here also, as in other cases where his acts might be considered of doubtful propriety, that he was doing what he believed to be for the good of Mexico, and deemed necessary in order to prevent that country from suffering serious evils which he thought he foresaw.

The danger which he and Guerrero's friends foresaw this time was real. Within less than a month he reported that there had been an insurrectionary movement in Puebla and in Vera Cruz the purpose of which was to force those states to expel the European Spaniards. In the latter state it had accomplished its purpose immediately, the legislature yielding without resistance; but in the former it had resulted in bloodshed. These and similar movements elsewhere were being promoted by a secret society that had been organized for the purpose by leading members of the Yorkino party and modeled on the Italian Carbonari.

[4] Poinsett to Clay, November 10, 1827, MS., Department of State, Despatches from Mexico, III.

The new organizations had spread rapidly and virtually controlled the whole country. They were preparing to manage the election of Guerrero in the coming campaign.[5]

Disturbances rapidly developed. Party controversy became more bitter. Poinsett reported on January 9, 1828, that the Escoceses, despairing of regaining their influence by peaceable means, had appealed to arms. He confessed that he had not foreseen this conflict because he did not think the leaders of that party would be so rash.

On December 23, preceding, the Plan of Montaño had been proclaimed and a revolution started to force its adoption. The plan contained four demands: The first was the extermination of all secret societies. The second was the dismissal of certain ministers. The fourth was the maintenance of the existing constitution and laws. But the principal demand was the third, which was aimed directly at Poinsett and declared: "The Supreme Government shall, without an instant's delay, furnish the envoy of the United States to this republic with his passports to leave the country." The fourth demand is the stock argument of the revolutionist that he is not trying to destroy the government or the laws but to maintain them. The second grew out of the belief that the ministers were the tools of Poinsett and working for the interests of the

[5] Poinsett to Clay, December 8, 1827, MS., Department of State, Despatches from Mexico, III. He said an act for the expulsion of the Spaniards was before the lower house of the national Congress and would probably pass.

United States. The purpose of the first was the destruction of what was considered a gigantic organization which enabled Poinsett and his friends to dominate the country. Thus the other three demands grew out of and were but corollaries to the third, the ostensible purpose of which was to rid the country of what was felt to be the baneful influence of the United States minister. As a matter of fact it was the desperate effort of a disappointed and despairing political faction to regain control by voicing what was thought to be a popular demand. But they were mistaken in the strength of their cause, although at first it seemed formidable and had high official sanction. Nicholas Bravo, the vice-president and titular head of the Scottish Masons, took the field at the head of the revolutionary forces. But General Guerrero, titular head of the York Masons, led the government troops and overthrew Bravo and his associates in less than a month and with scarcely an effort. Movements similar to this and in sympathy with it were expected to follow shortly in many places. In Vera Cruz the standard of revolt was raised and the governor headed the movement. Active measures prevented such risings elsewhere. Other states hastened to express their indignation and Vera Cruz retracted its position.

The diplomatic corps in the city had openly advocated the cause of the insurgents; but Poinsett was sure that they had acted without instructions. They had been deceived into thinking the movement would easily succeed because the social aristocracy belonged

to Bravo's party. Poinsett added: "It is needless to say that I have pursued a different course. The cause of free institutions is the cause of America, and although I have taken no part in the contest and obtruded no advice, I have not withheld my opinion and counsel whenever it has been asked by this government or by those connected with it." Speaking of the demand that he be sent out of the country he declared: "These people [the Scottish party] persist in regarding me as the principal obstacle to their success and as directing not only the operations of the opposite party but of the government." In closing this long report of the revolt and its collapse he said he considered the event fortunate since it had overthrown the faction concerning whose plots there had been great uneasiness.[6] After telling, on February 9, of the collapse of the revolt Poinsett showed that he was thinking of making his escape from the continual insinuations and attacks made by the party opposed to the government. He said: "Although very desirous to avail myself of the permission of the President to terminate my mission, I shall wait until the treaties are ratified, and until I can leave this country without

[6] Poinsett to Clay, January 9, 1828, MS., Department of State, Despatches from Mexico, III. The most radical Yorkinos wished to execute the rebels; the Escoceses wished to proclaim an amnesty for all. Wisely a middle course was pursued. They were allowed to go into exile, and ultimately to return. See Bancroft, History of Mexico, V, 37-40; Rivera, Historia de Jalapa, II, 450; Alaman, Historia de Mejico, V, 836–839; and Rives, United States and Mexico, 1821–1848, I, 172.

prejudice to the interests which have been entrusted to me."[7]

The failure of the Montaño revolt left the Yorkinos in control of the government. The fact that it had ostensibly been directed at Poinsett and had failed to drive him out of the country confirmed the popular notion of his magic influence over the government and country.[8] In July, two months before it occurred, Poinsett wrote that excitement over the coming presidential election was high, and there was talk of revising the election laws. He believed the popular party would prevail; but feared a revolution over this and the disordered finances. After the election and before the result was known he wrote that the candidate of the aristocratic party seemed to lead, and added that if Guerrero, the popular candidate, should not be elected he believed the people would rise against the choice

[7] Poinsett to Clay, February 9, 1828, MS., Department of State, Despatches from Mexico, III. The President's permission to terminate his mission here referred to was contained in Clay to Poinsett, November 19, 1827, mentioned above at the close of the chapter on Poinsett's Relations with the York Masons.

[8] Looking back after Poinsett's departure on the period of strife during his stay in Mexico, Voz de la Patria, II, número 14, 11 de marzo de 1830, says: "Poinsett mandaba á Victoria, como á un piljuanejo, y éste no queria oir mas voz que la de Poinsett, . . . Poinsett llevaba adelante su influjo, y sacaba de el todo el partido posible. Figurábase ser algun dia el arbitro de la nacion."

Ibar's Muerte Politica de la República, número 11, 20 de mayo de 1829, speaks of "las miras ambiciosas de ese ministro estrangero, agente pagado por el gabinete de Norte-América para remacharnos las cadenas de la esclavitud."

which should be made. On September 25, 1828, he wrote that the election had resulted in the choice by a very narrow majority of Pedraza, the aristocratic candidate, over Guerrero, the popular nominee. In anticipation of this the radical Yorkinos had already appealed to arms in the state of Vera Cruz under the leadership of Santa Anna, who had raised a cry for the preservation of the federal system of government, for the sovereign rights of the people, for the immortal Guerrero, and for the expulsion of the European Spaniards. During the first four days of December there was fighting in the streets of Mexico City, Poinsett wrote on the tenth of that month, which resulted in the complete success of the revolutionists. Pedraza, the President-elect and according to Poinsett the cause of all the trouble, had fled; and Guerrero, the defeated candidate, was made secretary for war instead of Pedraza in the cabinet of President Victoria. Notice had been sent to both factions struggling throughout the country to cease hostilities. The principal agent in effecting the revolution, Poinsett said, was Zavala, who had been forced into the ranks by unwise attacks on him in the Senate, charging him unjustly with having been in communication with the insurrection. The secretary of state had come to Poinsett and revealed his fears that England or some other foreign power would interfere. Poinsett calmed his fears by declaring that no power had any right to interfere. During December the country was in a state of anarchy. But toward the end of the month most of the states had

given in their adherence; and early in the new year the last resistance had ceased. Poinsett declared it to be his belief that it had been the federal institutions only that had saved Mexico from a military despotism. He deplored the violence that had resulted but declared that if ever a revolution could be justified this was, for the oligarchy had again gotten control and the weak Victoria had yielded to them a second time. Many of the popular party had been imprisoned without cause. The election had been by states, each having one vote cast by its legislature. When the votes were counted by the national Congress it was declared that Pedraza had received a majority of the votes, but that public opinion had pronounced so positively against him that even he had felt the necessity of resigning all claims to the office. In consequence of this the choice was reduced to the next highest. Therefore Guerrero was declared elected. During the remainder of the unexpired presidential term civil commotions continued in some of the states in resistance to the government and the declared result of the election; and the national Senate, still dominated by the aristocratic party, was also resisting the will of the people especially in the matter of the expulsion of Spaniards and in declaring amnesty for the participants in the late revolution. But early in March Poinsett reported that quiet had been restored throughout the country and the choice of Guerrero seemed to be giving general satisfaction. And on April 3, 1829, he reported that Guerrero had been inaugurated as

President on the first of the month, and that the republic was tranquil. On April 15 he said the President seemed about to confine his cabinet to members of the popular party, which Poinsett considered a wise move. Poinsett's friend, Zavala, had been made secretary of the treasury, and would, he thought, give general satisfaction.[9]

In his long recapitulation on March 10, 1829, for the benefit of the new Jackson administration at Washington of all that had passed since he had been in Mexico, after telling how the members of the defeated Scottish party and the representatives of the foreign powers had all abused him both publicly and privately, and after reviewing the attacks upon him by the legislature of Vera Cruz and Puebla, and recounting the suspicions and charges against him in connection with the Montaño revolt and the revolution following the elections of 1828, Poinsett declared his belief that "there is no instance on record of a foreign minister having been so persecuted in any country." He realized that it was hard to believe this hatred was not due

[9] This account of the campaign, the election, and the results is taken entirely from Poinsett's letters to Clay running throughout the nine months, as follows: July 16, 1828; September 17, 1828; September 25, 1828; October 22, 1828; December 10, 1828; December 17, 1828; December 24, 1828; December 27, 1828; January 8, 1829; January 10, 1829; January 23, 1829; January 31, 1829; March 3, 1829; April 3, 1829; and April 15, 1829; all in MS., Department of State, Despatches from Mexico, IV.

Rives, United States and Mexico, 1821–1848, I, 173–177, gives a good account of the election and the revolution following it.

to improper interference. But it had resulted purely from his efforts to prevent the encroachments of European powers. If he had chosen to witness such with indifference, he said he could have passed on smoothly and insignificantly. But he did not think this the proper course; and had cheerfully borne the obloquy which his conduct had brought upon him, caring only that his actions should be fully understood in the United States and especially by the government.[10] It

[10] Poinsett to Clay, March 10, 1829, MS., Department of State, Despatches from Mexico, IV. In this long letter covering 42 pages, commenting further on the persons and principles involved in the revolutionary events of recent months, Poinsett said that Pedraza was a political turncoat; he had fought during the war for independence in the Spanish service against the insurgents; he went as a deputy to the Cortes in Spain; on his return he became a minister of Iturbide; later he was a leader in the overthrow of Iturbide and an adherent of the Scottish party; on the discovery of the plot of Friar Arenas and the connection of the Scottish party with it, he deserted that party and won popularity in the punishment of those conspirators and in assisting to overthrow General Bravo; he became secretary for war; and when it was desired to divide the York party he was chosen as the instrument, having friends in all of the opposing factions. His success in the election for president was due to the fact that some of the state legislatures had been chosen while the Scottish party was in the lead. The Senate and Supreme Court of the federal government were both still of that faction. He believed if the reactionary factions had used their advantage with moderation they could have retained power; but their persecution drove Santa Anna, Zavala, and others to take refuge in revolution.

Poinsett defended the army that took Mexico by assault, and said the cruelties that had been attributed to it had been greatly exaggerated. He blamed the government for not

should be noticed here again that Poinsett does not claim not to have interfered in Mexican political affairs, but endeavors to defend his actions from the charge of improper interference by explaining his motive.

The opposition to the election of Guerrero thus acquiesced in his inauguration in April, 1829, and it seemed for a time that his administration would succeed in maintaining quiet in the country. But the opposition to Poinsett, because he was popularly supposed to have been largely instrumental in bringing about the victory of the new government, never ceased. Attacks by the public press became more frequent, more virulent, and more unreasonable. A periodical of June 6, 1829, asked in inflammatory language why all Mexicans did not unite in one terrific cry that

having prevented the attack on the city by a vigorous defence at first; and when they had failed to do that he thought they should have accepted the proffered opportunity to capitulate before the attack began. The opposition of the recent revolutionists to the Spaniards, he said, could be explained by reviewing the political interference of the Spaniards, who had been uniformly trying to restore Spanish control. The Senate still refused to pass a law expelling the Spaniards as the revolutionists demanded because the Spaniards had uniformly supported the Scottish party which still prevailed in that body. He feared that this might cause some further disturbance.

For reviews of the election of 1828 and the disturbances following, in addition to Rives, cited in note 9, see Bancroft, History of Mexico, V, 40–45; Zavala, Ensayo Historico, II, 101–148; Alaman, Historia de Mejico, V, 839–843; Zamacois, Historia de Mejico, XI, 671–715. Zavala's account is of course prejudiced in favor of the revolution, since he was one of the chief leaders in it.

would penetrate the sordid deafness of those controlling the government demanding that the country should rid itself of that bold and intriguing minister, the sole source of all of the country's evils and miseries. On June 24 the same periodical declared that if the republic of North America really wished to show that she desired the friendship and good faith of Mexico she ought to order this astute and intriguing minister to withdraw from Mexican soil. Let those States know that the Mexican nation detested him and justly desired his expulsion.[11]

On July 15 Poinsett wrote that Mexico was in a critical condition. The dissolution of the confederacy seemed inevitable unless some popular military chief seized control to save it; and that would be a death blow to free institutions. Added to the danger of invasion from Spain was the opposition in the states to the federal government and the dissensions between states. Many Mexicans were so desirous of changing the form of the government that they would rather deliver the country to a foreign prince than see it continue in its present form. He believed European governments were intriguing to bring about such a change; and said he would like to know the attitude of the administration. For himself, he thought it

[11] Ibar, Muerte Politica de la República Mexicana, número 15, 6 de junio de 1829; número 19, 24 de junio de 1829; número 1, 11 de marzo de 1829; número 6, 23 de abril de 1829; and número 26, 18 de julio de 1829. The last declares that it is also said with some reserve that Poinsett was a paid agent of the Madrid government to assist in the Spanish reconquest.

could not accord with the interests of the United States to permit any European power to obtain undue influence in these states.[12]

At the end of July, 1829, the legislature of the state of Mexico addressed a memorial to President Guerrero requesting the dismissal of Poinsett. It was a long diatribe based confessedly not on facts proved but on a general belief that he was secretly opposed to the interests of Mexico, that he was the cause of discord in Mexico, and that his presence was undesirable. It called to witness the cry of alarm which was resounding throughout the republic against him. It declared that his character of a diplomat ought to have caused him to refrain from all interference in internal affairs. The legislature would not say, as some thought, that he was the controlling spirit of the administration; but it was well known that he had been instrumental in organizing one of the secret societies whose struggle was the cause of the country's disasters. It had been suggested that the interests of the United States being opposed to those of Mexico made it desirable to prolong the discord in the latter and the agent of those states was maintained in Mexico for that purpose. Whether this suspicion was true or not the character of their envoy was such as to adapt him for carrying out such a policy. His natural talents, his smooth and elegant manner, his erudition, his cheerful disposition, and his professed devotion to republicanism all adapted him for political manipula-

[12] Poinsett to Van Buren, July 15, 1829, MS., Department of State, Despatches from Mexico, IV.

tions. If this was not the policy of that government why did not the President or cabinet at Washington voluntarily recall him, knowing the discord he was causing, to prevent new catastrophes and avoid compromising the friendly relations of the countries? In closing, the legislature requested the President of the republic to give orders that Poinsett be given his passports to leave the country.[13]

In the following weeks the legislatures of several other states made the same request. A few days after the first attack Poinsett published a lengthy reply to the suspicions and charges declaring that they were without foundation. In this he said that he felt compassion rather than anger, and closed with a paternal exhortation breathing good will for the Mexican people as a whole in spite of the attacks which a faction were making upon him. He declared that there was no jealousy in the United States for Mexico but a desire for the latter's prosperity; and appealed to Mexicans to imitate the institutions and the characteristics which made the United States great.[14]

In Poinsett's letter to Van Buren of August 7, tell-

[13] Manifesto of the Legislature of the State of Mexico, Tlalpam, 31 de julio de 1829, MS., Relaciones Exteriores. A translation of this is enclosed with Poinsett to Van Buren, August 7, 1829, MS., Department of State, Despatches from Mexico, IV. A pamphlet containing the same printed in Spanish accompanies.

[14] Poinsett's reply, August 2, 1829, MS., Department of State, Despatches from Mexico, IV, enclosed with Poinsett to Van Buren, August 7, 1829. The English translation covers 26 pages. The same printed in Spanish accompanies.

ing of the manifesto and his reply he said he would be sensibly mortified in reporting the attacks that had been made on him if he could attribute them to any misconduct or want of prudence on his part. He declared that the suspicions and conjectures were utterly unfounded; and said that he had not interfered in the internal affairs of the country nor deviated from the frank, open, manly policy which distinguishes the intercourse of the United States. He was not conscious, he said, of any offense unless his uncompromising republican principles and friendly intercourse with leaders of the popular party could be considered such. He said that the aristocratic, monarchical, and European factions which were in control when he arrived in the country had attributed their fall to him; but it was really due to the institutions of the country. They still believed him the soul of the existing government and wished to overthrow him. He said this faction were telling the people of Mexico that the United States was jealous of Mexico and had instructed him to throw obstacles in the way of progress. They even went so far as to say that the cabinet in Washington had caused the death of their minister Obregon (who had committed suicide) and therefore they argued publicly that the people of Mexico would be justified in assassinating Poinsett. He said that he had had frequent interviews with President Guerrero, who had expressed his regret at the attack and his own satisfaction with Poinsett's conduct, and had spoken in strong terms of the infamy of those who

thus sought to interrupt the friendly relations of the two republics. The President had said that he regarded it really as an attack on those in control of the government.[15]

Although Poinsett asserts that he had not interfered in the internal affairs of the country, and asserts that he was not conscious of any offense, yet in this very defense of his conduct he admits his friendly intercourse with members of the popular party, and by implication his unfriendliness for the members of the opposing factions. This was exactly their complaint against him.

Poinsett's frequent and lengthy defenses of his conduct in his correspondence with the government at Washington were apparently occasioned by a feeling that his conduct was not fully approved there. Communications from Clay had been very infrequent for some time before the close of the Adams administration; and it was several months before Van Buren, the new secretary of state, wrote to him, except on

[15] Poinsett to Van Buren, August 7, 1829, MS., Department of State, Despatches from Mexico, IV.

Zavala, who was in the ministry of Guerrero at the time of the legislative attacks, but who resigned soon after, says that back of all these attacks could be seen the hand of two of the other ministers, Herrera and Bocanegra. The timid and uncertain policy of Guerrero, who was aware of their plans, he says, enabled them to do this. Zavala, Ensayo Historico, II, 197. Ibar, Muerte Politica de la Republica, número 32, 8 de agosto de 1829, says: "¿ Quién fue el que mandó asesinar á nuestro enviado á los Estados Unidos del Norte, al virtuoso Obregón? Poinsett. Conocidas son las intrigas de este ministro infame, y hoy se han presentado á todo luz."

matters of mere routine. This neglect was the occasion of some complaint by Poinsett. Finally on October 16, 1829, the Jackson government passed its opinion on his conduct. Van Buren said he regretted to learn that there was a prejudice against Poinsett of the strongest and, there was every reason to fear, of the most incurable type; and continued: "The only ground upon which this state of feeling appears to be justified, is the allegation on the part of those who entertain it, that you have availed yourself of your situation to intermeddle in the domestic affairs of that Republic. The suspicions entertained on this subject—the existence of which he sincerely deprecates—the President feels himself justified, by all the information of which he is possessed, in considering without just cause. The fact that no complaint has at any time been made by the authority to which you are accredited, which would be the most likely to be informed of such interference, if it did exist, and the first to feel aggrieved thereby; your knowledge of the established policy of this government in that respect, and its decided repugnance to all intermeddling in the internal concerns of other states; your own assurance to the contrary; and the confidence which the President reposes in your discretion and patriotism—secure him from the apprehension that the present embarrassed state of our affairs with that country is attributable to the indiscretion of the representative of the United States." But he said whatever the cause of those suspicions might be they existed and were be-

lieved by the President to interfere in the relations of the two countries. Since Poinsett, availing himself of the permission granted by the preceding administration, had already expressed a wish to return, the President, Van Buren said, "gives his assent to your resignation. It is, however, his anxious wish that your return should not be attended by any circumstance which might wear the appearance of censure, or afford countenance to the imputations of your enemies." The way to prevent this "assent to your resignation" from having the appearance of censure was outlined in the following paragraph. If by the time he should receive this letter there should have been such an effectual change in sentiment toward him in Mexico as to render his continuance agreeable and to lead him to think he could carry into effect the views of his government, it would accord with the President's wishes that he should remain where he was. He was to be at liberty to speak freely in his interviews with public men of his freedom of election to return or remain.[16]

Jackson and Van Buren apparently had no expectation that there would be such a change in sentiment toward Poinsett that he would think of remaining. The belief that the prejudices were of an incurable character had been expressed in the beginning; and the whole tone of the letter, especially the instructions concerning taking leave, seems to assume that he would return. A chargé was appointed and sent to take his

[16] Van Buren to Poinsett, October 16, 1829, MS., Department of State, Instructions, American States, XIV, 141.

place. The apparently optional character of the recall seems to have been simply a device to "save the face" of Poinsett. Unless there should be an "effectual change in sentiment" there was really no option.

But if the apparent option in Poinsett's recall had been a real option on October 16, a chain of circumstances which had been in operation for more than three months culminated the next day to make his recall positive. On October 17 Montoya, the Mexican chargé in Washington, handed to Van Buren a letter from the President of Mexico to the President of the United States demanding the recall of Poinsett. This had been written on July 1, 1829, a full month before the manifesto of the legislature of the state of Mexico had been presented to Guerrero requesting him to order that passports be given to Poinsett. President Guerrero said to President Jackson: "Of late, public opinion has pronounced itself against him in the most conclusive, general and decided manner, as appears from the writings published almost every day in nearly all the states of the confederation. The public clamor against Mr. Poinsett has become general, not only among the authorities, and men of education, but also among the vulgar classes; not only among the individuals who suspected him, but also among many of those who have been his friends. To Mr. Poinsett are attributed the misfortunes which have befallen the Republic, and it has even been unhesitatingly supposed that he had a direct influence over the proceedings of the government, in consequence of which they

have not been received by the public with the respect which is due to them. Owing to the general distrust of Mr. Poinsett the relations between the two republics have not been attended with that success which had been anticipated." The fact that Poinsett's recall had not previously been demanded in spite of the fact that his presence had caused these embarrassments is suggested as evidence that the Mexican government was unwilling to do anything to disturb friendly relations. "But," the Mexican President continued, "things have now arrived at such a point that the government of Mexico would fail in its performance of its most essential duties if it forebore from asking of that of the United States the recall of its minister. . . . The course of events may be such as to require of the government of Mexico, as a duty, the exercise of its rights to grant the necessary passports to Mr. Poinsett before the receipt at Mexico of the answer of the government of the United States of America. In such case (which God forbid) the government of Mexico trusts that that of the United States of America which is characterized by the impartiality and liberality of its principles and institutions, will appreciate the propriety of a step of this nature, which it would itself adopt if placed in the same situation and under similar circumstances."[17] In the note to Montoya enclosing this demand for Poinsett's recall the Mexican

[17] Guerrero to Jackson [July 1, 1829], MS., Department of State, Notes from Mexican Legation, I, enclosed with Montoya to Van Buren, October 17, 1829. The Spanish original of Guerrero's letter accompanies this translation.

government told its chargé that it wished to do nothing to disturb peaceable relations with the United States; but instructed him to ask an audience, express a sincere desire to preserve harmony, explain the situation in Mexico with respect to the United States minister, and say that the Mexican government found itself unhappily but necessarily compelled to ask that minister's recall.[18]

On October 17, Van Buren added a postscript to his letter of the preceding day to Poinsett revoking the option of remaining or returning, thus making it a positive recall. He added: "In the absence of a contrary allegation on the part of the Mexican government, and confiding in your assurances, he [President Jackson] still allows himself to believe that the prejudices against you are without just cause."[19] Although the Jackson administration thus officially exonerated Poinsett again, yet the wording is such as to indicate that the approval was not very enthusiastic and was

[18] Secretario to Montoya, 1 de julio de 1821, MS., Relaciones Exteriores.

[19] Postscript, October 17, to Van Buren to Poinsett, October 16, 1829, MS., Department of State, Instructions, American States, XIV, 141. Jackson to Guerrero, October 17, 1829, MS., Relaciones Exteriores.

A postscript of October 17, 1829, attached to Van Buren to Butler of October 16, indicates that Jackson and Van Buren thought the attacks on Poinsett due to the failure of the Mexican government to protect him rather than to his actions. House Documents, 25 congress, 2 session, number 351, page 52.

Jackson's reasons for recalling Poinsett, quoted from the Jackson Manuscripts, are printed in Reeves, Diplomacy under Tyler and Polk, 68.

given only because there was no positive assertion by the Mexican government that the prejudice against him was with just cause. There is a slight indication that the administration was not fully convinced of Poinsett's innocence, or was somewhat provoked at his conduct, in the fact that on this same day, October 17, a draft which Poinsett had drawn on the department was protested because of what was regarded as a small irregularity in the way he had retained for himself the sum of money due to the difference in the rate of exchange between the two countries.[20] The matter could have been arranged in a manner less humiliating to Poinsett had it been so desired. This seems to have been "the last straw that broke the camel's back." In Montoya's letter to his government telling of his presenting the demand for the recall he too assumed the innocence of Poinsett because of the absence of allegations of his guilt. He said he was persuaded that there were no

[20] Van Buren to Poinsett, October 17, 1829, MS., Department of State, Instructions, American States, XIV, 148. When Poinsett was embarrassed by learning that his draft had been protested he said he regretted that this had been thought necessary, since he would have made good the difference with pleasure if he had known that the department wished him to do so. He explained how he had been drawing his salary and why he had drawn in that way, and closed by saying, "[I will] be perfectly content with the decision of the Department with respect to the draft for £100 on London provided the government will refund the amounts for which I have given them credit, on account of the favorable state of exchange between Mexico and the United States." Poinsett to Van Buren, December 9, 1829, MS., Department of State, Despatches from Mexico, IV.

grounds for the charges made in Mexico that the United States was jealous of the prosperity of Mexico.[21]

In the instructions which were written on October 16 for Butler, who was to take Poinsett's place if the latter should return, there is a positive statement of the government's desire that such actions as Poinsett's should not be repeated. Van Buren said: "With respect to your future official correspondence with the government of Mexico, and your intercourse, public and private, with the people and their functionaries, the past strongly admonishes you to avoid giving any pretext for a repetition against yourself of the imputations which have been cast upon Mr. Poinsett, of having interfered in the domestic concerns or politics of the country; or even showing any partiality towards either of the parties which now appear to divide the Mexican people. The manifestation of such a preference, or of any connexion, remote as it might be, with their political associations, might again be construed into a wish to influence or foment their party divisions. The President, therefore, expects you to exercise the most sedulous care in guarding against similar imputations, and wishes you to use

[21] Montoya to Secretario, 19 de octubre de 1829, MS., Relaciones Exteriores.

For brief discussions of Poinsett's recall, see McMaster, History of the People of the United States, V, 549; Bancroft, History of Mexico, V, 81; Bocanegra, Memorias para la Historia de México, I, 382, II, 23; Zamacois, Historia de Méjico, XI, 810; Zavala, Ensayo Historico, II, 197; Mayo, Political Sketches, 95.

your utmost endeavors in allaying the irritation which seems to pervade a large portion of the people, and to do away the groundless and unjust prejudices which have been excited against the government of the United States. A social, open, and frank deportment towards men of all classes and all parties; a proper degree of respect for their opinions whatever they may be; a ready frankness in explaining the true policy of your government, without attempting to obtrude your views where they are not desired; and the most guarded care in condemning or censuring theirs, are among the means which the President would suggest as most likely to command the confidence of the people, and to secure for yourself a proper standing in the opinion of their public functionaries."[22]

It was on December 9, 1829, that Poinsett's recall reached him.[23] The Mexican government had not found it necessary to give him his passports as Guerrero's letter demanding his recall said might have to be done. But Poinsett had himself asked permission in a letter of November 4 to return home.[24] On De-

[22] Van Buren to Butler, October 16, 1829, MS., Department of State, Instructions, American States, XIV, 149; House Documents, 25 congress, 2 session, number 53, page 51. It should be mentioned here that Butler's conduct in Mexico was far worse than Poinsett's, that his motives were less unselfish, and that his recall also was demanded. See above, the latter part of the chapter on Texas and the Boundary Issue.

[23] Poinsett to Van Buren, December 9, 1829, acknowledging receipt of his recall, MS., Department of State, Despatches from Mexico, IV.

[24] Poinsett to Van Buren, November 4, 1829, MS., Depart-

cember 25 he had a conference with the provisional executive and took formal leave.[25] On the last day of the year the provisional President of Mexico in a letter to the President of the United States acknowledged the latter's note of October 17 announcing Poinsett's recall and said that act was looked upon as a testimony to the sincere friendship of the United States for Mexico.[26]

ment of State, Despatches from Mexico, IV. This says that he had asked the commander of the United States squadron in the West Indies to send a warship to the Mexican coast to take him from the country.

[25] Poinsett to Van Buren, December 26, 1829, saying that he had taken leave on the preceding day and expected to depart January 2, 1830, MS., Department of State, Despatches from Mexico, IV.

A new revolution had overthrown Guerrero. He had fled, and Vice-President Bustamante had taken control. Poinsett to Viesca, 15 de diciembre de 1829, asked an audience to present his letter of recall; Secretario to Poinsett, 24 de diciembre de 1829, in reply, appointed December 25, MS., Relaciones Exteriores. Poinsett left Mexico on January 3, 1830, and arrived at New Orleans on February 2. Poinsett to Van Buren, New Orleans, February 3, 1830, MS., Department of State, Despatches from Mexico, IV.

[26] Provisional President of Mexico to President of the United States, 31 de diciembre de 1829, MS., Relaciones Exteriores. Accompanying this is Secretario to Poinsett, 31 de diciembre de 1829, granting privilege to leave and assigning an escort.

About the middle of December a circular letter was sent by the central government to the governors of the states telling of Poinsett's recall. This and congratulatory replies to it from fifteen of the state governments are in an expediente in MS., Relaciones Exteriores.

The government at Washington realized that a crisis had been reached in the relations between the two countries, and that there was little prospect for a satisfactory conclusion of the pending negotiations. This was made clear in the instructions which had been given to Butler, who now became the United States chargé in Mexico. In those instructions Van Buren declared: "From a full and deliberate review of the course which Mexico has allowed herself to pursue towards us, the President is well satisfied that but little of real advantage to the country can be expected from your labors until an entire change be effected in the disposition of that republic towards the United States. . . . He is deeply and painfully impressed with the unfriendly and undeserved conduct of Mexico towards us, her neighbor and sister republic, . . . her earliest and best friend." The letter then reviews at length the attitude of the United States during the struggle of Mexico and other colonies for independence and the early recognition by the United States of that independence. Butler was instructed to protest pacifically but firmly against Mexico's long continued unfriendliness, and to say that the feelings of the people of the United States had been deeply wounded by the repeated attacks on their representative. It was declared in conclusion that the Mexican government could do much to redress the wrongs of the past by a speedy ratification of the pending treaty of commerce. If it should be ratified substantially as agreed upon and not with its most valuable stipulations expunged,

then the pending treaty of limits would be submitted to the United States Congress along with that of commerce, in spite of the fact that the remissness of Mexico had caused the treaty of limits to lose all of its obligatory character.[27]

[27] Van Buren to Butler, October 16, 1829, MS., Department of State, Instructions, American States, XIV, 149.

CHAPTER XI

Comments on Authorities

MANUSCRIPTS

Manuscripts in the Archives of the Department of State, Washington, D. C.:

Despatches from Mexico, volumes I, II, III, and IV, and one volume of Duplicate Despatches from Poinsett, which contains some letters and many enclosures not in the regular volumes. Except a few letters at the beginning of the first, all five of these volumes are filled with letters and enclosures to the department from Poinsett in Mexico between the years 1825 and 1829.

Instructions to United States Ministers in foreign countries, volumes IX, X, XI, XII, XIII, and XIV. Of course the instructions to the legation in Mexico occupy only a small part of these six volumes, since they include also instructions to all other countries where the United States had representatives. The last one, or possibly two, of these volumes is marked Instructions to American States, which became a separate series at that time.

Secret Record, volume I, contains the instruction of Van Buren to Poinsett for the purchase of Texas in 1829.

Notes from the Mexican Legation in Washington to the Department of State, volume I. These are not

of very great importance or interest, since no imporant negotiation was conducted in Washington.

Notes to the Mexican Legation in Washington were of still less value.

Manuscripts in the Archivo de Relaciones Exteriores, Mexico:

These are not bound, nor are they filed in any permanent form. Most of them are sewed together or merely folded in tiny bundles, called *expedientes,* each containing letters which deal with the same or closely related subjects. They can be, and frequently are, moved about and mixed up, so cannot be designated except by the name of the archive, "Relaciones Exteriores." Fifteen hundred or sixteen hundred pages of typewritten transcripts were made and used for this study. They are now the property of the School of History of the University of Texas and are filed in its archives. Photostat copies have been made by the Manuscripts Division of the Library of Congress at Washington.

Manuscripts in the Archives of the United States Embassy in Mexico:

Despatches from the Secretary of State of the United States, one volume; Despatches to the Secretary of State of the United States, two volumes; Notes to the Mexican Government, one volume; Notes from the Mexican Government, one volume; Miscellaneous Papers, Duplicate Despatches, etc., one volume. Nearly all of these series extend several years beyond

the period covered by this study. Comparatively few manucripts relating to this period are to be found in the Embassy archives of which duplicates or the originals do not exist in the archives of the Department of State at Washington. Only in such cases have they been cited.

Poinsett Manuscripts in the Archives of the Pennsylvania Historical Society, Philadelphia:

Only a few volumes of this large collection relate to the period of Poinsett's residence in Mexico. And of these most are personal letters, nearly all being written *to* Poinsett. Only a very few are cited.

Van Buren Manuscripts in the Library of Congress, Washington, D. C.:

Volumes IX and X contain the lengthy, interesting, and important documents showing the origin and growth of Jackson and Van Buren's plan for purchasing Texas in 1829.

PUBLISHED DOCUMENTS

American State Papers, Foreign Relations, volume V (1858), and volume VI (1859). Edited under authority of Congress and published by Gales and Seaton, Washington. The first of these contains a few and the second a large number of communications between the Department of State and Poinsett. But many of them are only extracts, the most interesting portions, nearly always including the valuable cipher paragraphs, being omitted. In most cases the

documents here have been cited as well as the manuscripts in the archives.

House of Representatives, Executive Documents, 25 Congress, 1 Session, number 42. This is a collection of documents, filling ninety-four pages, transmitted by the President at the request of Congress, containing negotiations relating to the boundary, and printed in 1837.

House of Representatives, Executive Documents, 25 Congress, 2 Session, number 351. This collection contains more than eight hundred pages of documents, most of them concerning the boundary, submitted by the President in 1838.

House of Representatives, Executive Documents, 32 Congress, 1 Session, number 121. This collection of fifty-nine pages relating to Cuba was submitted by the President and printed in 1852.

Many important documents were withheld in all three of these house executive document collections, and of those printed many were only extracts. They have been cited in the same way as the American State Papers mentioned just above.

British and Foreign State Papers, compiled by the Foreign Office, and published by the government, London. Volumes IX, XIII, XVI, and XXVI contain documents important for this study. Many of these documents are also found in one or more of the preceding collections of American official documents. Frequently two of these documentary sources have been cited in addition to the manuscript sources since

few have access to the archives and not many libraries are likely to contain all three documentary collections.

La Diplomacia Mexicana, published by the Secretaría de Relaciones, Mexico, Volume I, 1910; II, 1912; III, 1913. These three volumes are the beginning of what promises to be a monumental collection of Mexican diplomatic correspondence. They do not extend beyond the early part of 1825. They are of value not only for the history of Mexico but for the history of all countries that have had relations with Mexico.

Tratados y Convenciones concluidos y ratificados por la Republica Mexicana. Edicion oficial, Mexico, 1878, two volumes.

Leyes, Decretos, y Ordenes que forman el Derecho Internacional Mexicano. Mexico, 1879. This and the two volumes mentioned in the preceding paragraph are bound uniformly and the three are known collectively as "Derecho Internacional" parts 1, 2, and 3.

Treaties and Conventions between the United States and Other Powers, 1776–1909. Compiled by W. M. Malloy under authority of the government and published by the Government Printing Office, 1910. Two volumes, but paged continuously as one.

Senate Executive Journal, volume III, published by the government.

Correspondence of the Russian Ministers in Washington, 1818–1825, American Historical Review, XVIII, 309–345, and 537–562. This casts several interesting side lights on matters in this study.

Coleccion de Ordenes y Decretos de la Soberana Junta provisional gubernativa y los Soberanos Congresos Generales de la Nacion Mexicana. Segunda edicion, coregida y aumentada por una comision de la Camara de Diputados. Mexico, 1829.

Many of the books listed below contain important official documents also, a few of them being largely composed of such.

SECONDARY SOURCES

The following books have been useful for all or several of the subjects studied:

Adams, J. Q., Memoirs. Edited by C. F. Adams. 12 volumes. Philadelphia, 1874–1877. This authority, which is indispensable for the study of any subject in American history during the long public career of Adams, reveals a great many interesting facts concerning the inner working of the United States government while he was secretary of state and president, which was during almost the entire period covered by this study.

Alaman, Lúcas, Historia de Méjico desde los Primeros Movimientos que prepararon su Independencia en el año de 1808 hasta la Epoca presente. 5 volumes. Mexico, 1849–1852. This is devoted principally to the revolution. The last volume covers the period from 1821 onward, and most of that is devoted to the period before the end of 1824.

Bancroft, H. H., History of Mexico. 6 volumes. San Francisco, ——. The last hundred pages of

volume IV, 1886, and the first hundred of volume V, 1887, cover the period of this study. They are volumes XII and XIII of his collected Works.

Bocanegra, J. M., Memorias para la Historia de México Independiente. Edicion oficial. Mexico, Imprenta del Gobierno, 1892. 2 volumes. He was in the cabinet during the last year of Poinsett's residence in Mexico, was hostile to Poinsett and largely instrumental in demanding his recall.

Clay, Henry, Works. Edited by Calvin Colton. 6 volumes. New York, 1863. The fourth volume contains a few documents of minor importance for this study.

Gales and Seaton's Congressional Debates.

Latané, J. H., Diplomatic Relations of the United States and Spanish America. [Shaw Lectures for 1899]. Johns Hopkins Press, 1900. This excellent book covers too long a period to deal in great detail with subjects considered in this study.

McMaster, J. B., History of the People of the United States from the Revolution to the Civil War. New York, Appleton. Volume V, 1900, covers the period of this study, but deals very briefly with most matters.

Martinez, Victor José, Sinopsis Historica, Filisofica, y Politica de las Revoluciones Mexicanas. 2ª Edicion, Mexico, 1884. This is not well organized, but contains many interesting observations and some valuable facts.

Moore, J. B., Digest of International Law, 8 volumes. Washington, Government Printing Office, 1916.

Not a great deal of matter bearing on this study is given by Moore, but what he gives is valuable.

Niles, Register, too well known to need comment, is valuable for contemporary opinion, and some documents.

Paxson, F. L., Independence of the South American Republics: A Study in Recognition and Foreign Policy. Philadelphia, 1903. For matters relating to the recognition of Mexican independence this is valuable. Other matters it does not claim to treat.

[Poinsett, J. R.], Notes on Mexico, made in the Autumn of 1822, . . . by a citizen of the United States. Philadelphia, 1824. This gives his observations during his unofficial travels two and a half years before he went as minister to Mexico.

Poinsett, J. R., Exposicion de la Conducta Politica de los Estados Unidos para con las Nuevas Republicas de America. This is the pamphlet issued by Poinsett in Mexico in 1827 in answer to the attacks made upon him in the Vera Cruz manifesto.

Reeves, J. S., American Diplomacy under Tyler and Polk. [Shaw Lectures for 1906]. Johns Hopkins Press, 1907. Chapter III reviews in a brief but valuable manner the relations between Mexico and the United States concerning Texas from 1825 to 1840.

Rivera, Manuel, Historia Antigua y Moderna de Jalapa y de los Revoluciones del Estado de Vera Cruz. 5 volumes. Mexico, 1869. The second volume covers the period from 1816 to 1830, and gives some important facts.

Rives, G. L., The United States and Mexico, 1821–1848. 2 volumes. Scribners, 1913. This is a valuable work but gives comparatively little that is new concerning *diplomatic relations* during the period covered by this study.

Zamacois, N., Historia de Méjico desde sus tiempos mas remotas hasta nuestras dias. Barcelona and Mexico, 1879. Volume XI covers the period from 1821 to 1829. It is popular in style, is arranged chronologically by years and sometimes by months, and is not accurate. It gives brief allusions to foreign relations.

Zavala, D. Lorenzo, Ensayo Historico de las Revoluciones de Mejico desde 1808 hasta 1830. Volume I, Paris, 1831; volume II, New York, 1832. The writer figured prominently at times in opposition to the government, at other times in the government. He was a close friend of Poinsett's and favored the latter's American policies, consequently he is prejudiced.

For the chapter on British Influence in Mexico, and Poinsett's Struggle Against It, the following are valuable:

Alaman, Lúcas, Memoria que el Secretario de Relaciones presenta al Soberano Congreso, 8 de Noviembre de 1823. Mexico, [1823]. A translation of this under date, November 1, is in British and Foreign State Papers, X, 1070.

Bagot, Joceline, George Canning and his Friends. 2 volumes. London, Murray, 1909. This gives a

great many valuable letters to and from Canning and other officials.

Paxson, F. L., "England and Mexico, 1824–1825," in Texas Historical Quarterly, IX, 138–141. This very brief article casts light on the struggle between Poinsett and the British chargé, Ward.

Stapleton, A. G., Political Life of George Canning, from 1822 to 1827. 3 volumes. London, 1831. Chapter VIII in volume II on Spanish America is especially valuable.

Stapleton, A. G., George Canning and His Times. London, 1859. This contains valuable additions to the preceding work.

Stapleton, E. J., Some Official Correspondence of George Canning. 2 volumes. London, Longmans, 1887. This contains a great many letters valuable for both this chapter and that on Cuba Saved to Spain.

Temperley, H. W. V., Life of Canning. London, Finch, 1905. The mechanical features of this are not careful, but it contains many valuable things, especially in the chapter on Canning and the New World.

Temperley, H. W. V., "Later American Policy of George Canning," in American Historical Review, XI, 779–797. This article is based largely on Public Record Office manuscripts, and is very interesting and valuable.

Tornel y Mendivil, José Maria, Breve Reseña Historica de los Acontecimientos mas notables de la nacion Mexicana desde el año 1821 hasta nuestros dias. Mexico, 1852. This reflects clearly the writer's hatred for Poinsett.

In addition to the manuscripts and documents, and the books in the first group, the following are valuable for the chapter on Cuba Saved to Spain:

Callahan, J. M., Cuba and International Relations, A Study in American Diplomacy. Johns Hopkins Press, 1899. The absence of any citation of authorities in this is a bar to confidence in what appears from the text to be a very careful study based largely on documentary sources.

Chadwick, F. E., The Relations of the United States and Spain, Diplomacy. Scribner's, 1909.

For the chapter on the Santa Fé Trail the following contain some valuable material:

Bancroft, H. H., History of Arizona and New Mexico, [Works, volume XVII]. San Francisco, 1889.

Broadhead, G. C., "The Santa Fe Trail," in the Missouri Historical Review, IV, 309–319.

Gregg, Josiah, Commerce of the Prairies, or the Journal of a Santa Fe Trader. 2 volumes, second edition. New York, 1845. The same is reprinted in volumes XIX and XX of Thwaites, Early Western Travels. A. H. Clark, 1905.

Inman, Henry, The Old Santa Fe Trail. Macmillans, 1898. This is a popular account of adventures.

"The Santa Fe Trail. A Brief Summary of the Trail through Kansas, with the report of the Committee appointed to prepare a correct Map." In the Eighteenth Biennial Report of the Kansas State Historical Society, 1911–1912, 107–125. This contains

a large folded map, and the Field Notes of Joseph C. Brown, surveyor of the United States Surveying Expedition of 1825–1827.

The following contain contemporary comment in Mexico hostile to Poinsett:

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